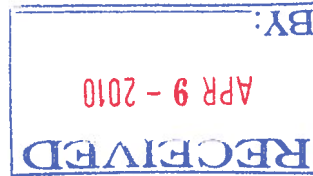


TRANSMITTAL LETTER



PROJECT: F.E.B. CORP

TO: Mr. Mitch Harvey
Mo. Co. Planning

PROJECT NO: C118

DATE: 04/08/10

ATTN:

☐ Acknowledge receipt of enclosures.

WE TRANSMIT:

- ☒ herewith ☐ under separate cover via _____
☐ in accordance with your request _____

FOR YOUR:

- ☐ approval ☐ distribution to parties ☐ information
☒ review & comment ☐ record
☐ use _____

THE FOLLOWING:

- ☒ Application ☐ Records ☐ Regulations
☐ Development Analysis
☐ Change Order

| Item Description | Copies | Notes |
|-------------------------|--------|-------|
| Comp Plan Amendment App | ① | |
| Application Fee 5,799 | ① | |
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| | | |
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| | | |

REMARKS

Thank you for your attention to this matter.

Submitted by:

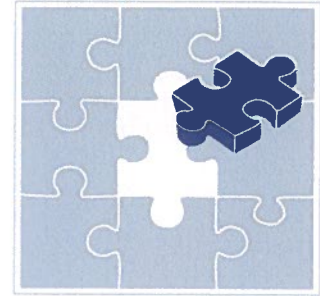
OST

04/01/10

Mr. Mitch Harvey, AICP, Comprehensive Planning Manager
Monroe County Planning Department
2798 Overseas Highway
Marathon, FL 33050

Re: Comprehensive Plan Amendment
Sub Area Policy 107.1.1
Wisteria (RE No. 00123950-000000)

TREPANIER



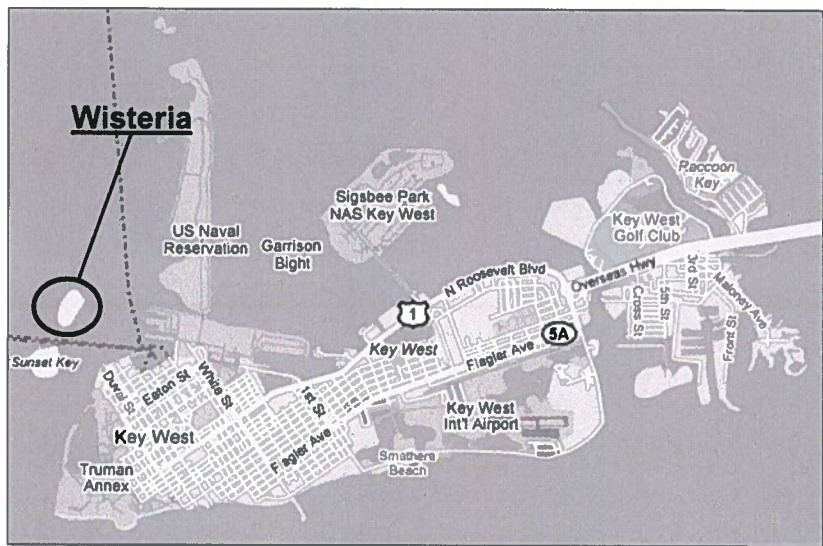
& ASSOCIATES INC.
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Dear Mitch:

Wisteria is a blighted, disturbed, man-made, spoil island created in the late 1800's as a dumping ground for abandoned vessels and dredging material. Notwithstanding the owners' attempts to the contrary, the property has continued to serve primarily as an illegal maritime dumping ground. The property is also regularly used for the related upland activities associated with the surrounding illegally moored vessels; including dumping, bottom cleaning, bottom painting, fiberglass repairs and fabrication, dog walking, camping, etc. Squatters have long inhabited the property contributing to an extensive history of criminal activity.

The 2002 County study on Keys-Wide Mooring identified Wisteria and its surrounds as the "largest and most problematic anchorage in the Keys" and found that "this enormous anchorage grounds is truly out of hand. The area is in dire need of management and enforcement of regulations."

The problems identified by the County in 2002 came as no surprise to the property owners who are currently proposing the development of a public access, managed mooring field in this location. FWC invited Monroe County to participate in the Mooring Field Pilot Program and the Wisteria Island mooring field would be developed in conjunction with the program. During the preparatory process it was discovered Wisteria has no future land use designation. The lack of designation on Wisteria, apparently an oversight, is inconsistent with Chapter 163, F.S., and Chapter 9J-5, F.A.C., which require all lands within the bounds of a local government jurisdiction to be designated with a future land use on the comprehensive plan's Future Land Use Map ("FLUM").



An application for Mixed Use-Commercial ("MC") FLUM designation for Wisteria was filed with Monroe County on November 25th, 2009. MC is an appropriate designation based on the district's purpose and intent, the environmental characteristics of the property, the environmental characteristics of the surrounding area, and the mixed use character and compatibility of the surrounding land uses and FLUM designations. While the MC designation is the most appropriate designation for Wisteria, the maximum densities and intensities permitted under MC may be inappropriate for the Island's unique characteristics. An effective strategy to limit inappropriate uses, densities, and intensities of a land designation is to implement a Sub Area Policy.

Sub Area Policies ("SAPs") are regulatory strategies for appropriately limiting the maximum development potential allowed by a future land use category on parcels, or small areas, when supported by data and analysis. This following proposed SAP amendment requires the development of a public access mooring field with associated upland facilities prior to occupancy of any other upland development on Wisteria, as well further restricting permitted uses, densities, and intensities. The SAP also elevates all development not associated with the public access mooring field to the level of a Conditional Use review.

As you will see from the attached application, the proposed Comprehensive Plan Amendment is appropriate and compatible with, yet significantly less intense than, the surrounding land uses.

Thank you for your assistance. Please do not hesitate to call if you have any questions or need any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Owen Trepanier", is written over a horizontal line.

Owen Trepanier

PROPOSED SUB-AREA POLICY

3.1 Sub-Areas

GOAL 107

Monroe County shall regulate development of scarified and filled portions of parcels containing environmentally sensitive areas, by the enactment of area-specific regulations that allow development to occur subject to limitations and conditions designed to protect natural resources.

OBJECTIVE 107.1: SUB-AREA POLICIES. Monroe County shall coordinate Land Use with the Elements of the Comprehensive Plan through Future Land Use Element Sub-Area Policies Applicable to a Specific Geographic Area

These sub-area policies identify parcels of land that require narrowly-tailored regulation in order to limit development potential to an area or extent less than the maximum density and intensity allowed by the future land use category. The development parameters established for each sub-area shall be based either on an inventory of uses and facilities established on the parcel or by data and analysis supporting the specific sub-area limitations.

Policy 107.1.1 Specific Limitations on the disturbed spoil island, Wisteria

The Future Land Use Map designation on the subject property (Wisteria Island, Monroe County Property Appraiser Alternate Key Number 1158089), totaling approximately 20 upland acres, shall be Mixed Use Commercial ("MC"). For purposes of the upland development allowed by this sub-area policy, Wisteria shall not be deemed to be an offshore island, and shall not be deemed to be Tier I, Tier II, Tier III, or Tier III-A. Wisteria shall be limited to being a receiver site for residential transferable development rights ("TDRs") and residential transferable ROGO exemptions ("TREs") only, and is not allowed to compete in ROGO for market-rate allocations. Accordingly, development within the limits established by this Policy shall be deemed development not affecting rate of growth.

In addition to meeting the requirements of all applicable goals, objectives, and policies of the Comprehensive Plan, development on Wisteria shall further the intent of Goals 101, 202, 203, 205, and 212 by improving near shore water quality, reducing impacts on the marine environment, and enhancing and protecting the quality of Monroe County's upland native habitat by:

- Authorizing shore-side infrastructure to serve a public-access managed mooring field in adjacent waters in order to eliminate the unmanaged mooring of vessels;
- Ensuring no increase in the number of residential or transient units allowed county-wide to avoid any effect on hurricane evacuation clearance times. To accomplish this the use of TREs is required for all market-rate residential and transient residential dwellings on Wisteria and permitting the transfer of TREs from Tier I, Tier II, Tier III, and Tier III-A lands to Wisteria;
- Encouraging reductions in density and the preservation of Monroe County's native habitat by restricting Wisteria's allocated residential density and by permitting the transfer of TDRs from all parcels with native habitat to Wisteria;
- Reducing residential and commercial impacts on the marine environment through caps on density and intensity;
- Counteracting the source and spread of invasive exotic species through an island-wide invasive exotic control program; and

- Reducing impacts on near-shore water quality, seagrass beds, and hard bottom communities by encouraging communal dockage facilities and prohibiting individual single family docks.

Therefore, development on Wisteria is hereby limited as follows:

1. Mooring field-related development: A public access mooring field shall be developed as of right in adjacent waters following approval by the Board of Trustees of the Internal Improvement Trust Fund with the following associated upland amenities/ facilities allowed on Wisteria Island prior to the issuance of a certificate of occupancy for any other upland development on Wisteria:
 - a. Fixed and mobile boat holding tank pump-out services. Such services shall be provided to boats using the public access mooring field at all times the public access mooring field is in operation;
 - b. Docks (not to exceed a water taxi dock, a service vessel dock, and a dinghy dock and 45 wet slips with no dry storage) and dockside utilities;
 - c. Harbor master building;
 - d. Ships/ sundry store;
 - e. Pool, bar, restaurant; and
 - f. Water taxi service to Key West.
2. All development of the upland portion of Wisteria (other than the mooring field amenities/facilities listed above and allowed as of right) shall be subject to conditional use review and approval. Individual uses shall be further limited to the following densities, and intensities, and uses:
 - a. Single-family residential dwellings shall not exceed 35, with all required TDRs and TREs to be transferred on site;
 - b. Affordable / workforce residential dwellings shall not exceed 5;
 - c. Transient residential units shall not exceed 35, with all required TREs to be transferred on site, and the total number of bedrooms shall not exceed 85;
 - d. Nonresidential floor area shall not exceed 39,500 sq. ft. (including mooring field-related floor area).
 - e. Commercial recreational uses to serve as support and amenities for a public access mooring field in adjacent waters;
 - f. Accessory uses;
 - g. Public Uses.
3. Prior to the issuance of a certificate of occupancy for any non-mooring field related upland development, invasive exotic vegetation shall be removed from the upland area subject to development and re-vegetated according to Monroe County Code.
4. Prior to the issuance of a certificate of occupancy for any non-mooring field related upland development, a hurricane preparedness plan for the island shall be prepared by the applicant, in compliance with Policy 216.1.8. In addition, the applicant shall cause to be recorded in the official records of Monroe County a covenant or other restriction on privately owned property on the island providing that, in the event of a mandatory evacuation, all occupants of the island shall be evacuated by private means.

5. Upland development shall not occur until all required State and local approvals and permits have been issued to provide Wisteria potable water service and advanced wastewater service in sufficient quantity and capacity to accommodate such development. No septic tanks, package treatment plants, or wastewater treatment plants shall be located on Wisteria.
6. To the maximum extent practicable all development shall be designed to avoid and minimize impacts to the Western mangrove wetland area. Any wetland impacts occurring on Wisteria Island shall be offset by mitigation on Wisteria Island or in the adjacent waters, in an amount required by Federal and State or other applicable permitting requirements. Only pile-supported structures will be allowed in the wetland area located on the Southern end of the island.
7. Upon the final approval of docks and dockside utilities identified in Policy 107.1.1.1.b (of which 35 are for use by the owners or occupants of the upland units, and which shall not constitute or authorize a marina), a perpetual proprietary conservation easement prohibiting the installation of other single family docks on Wisteria Island shall be granted to the Board of Trustees of the Internal Improvement Trust Fund and recorded in the Monroe County public records.

The foregoing specific provisions governing the Sub-Area prevail over any conflicting general provisions of Monroe County LDRs and Comprehensive Plan; allocated density limitations in this sub-area policy shall not be considered as allocated density limitations with regard to transferable development rights Sec.130-60(a)(7).

RECEIVED
APR 9 - 2010
FY mH

**APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**



**Request for a Text Amendment to the Monroe County Land Development Regulations or the
Monroe County Comprehensive Plan**

**An application must be deemed complete and in compliance with the Monroe County Code by the Staff
prior to the item being scheduled for review**

Amendment to the Land Development Regulations Only Application Fee: \$5,041.00

Amendment to the Comprehensive Plan Only Application Fee: \$5,531.00

Amendment to the Land Development Regulations and Comprehensive Plan Application Fee: \$6,000.00

In addition to the above application fees, the following fees also apply to each application:

Advertising Costs: \$245.00

Date of Submittal: 03 / 31 / 10
 Month Day Year

Applicant:

F.E.B. Corp. - A Florida Corporation

Name

C/o Trepanier & Associates, Inc.

P.O. Box 2155, Key West, FL 33041-2155

Mailing Address (Street, City, State, Zip Code)

305-293-8983

Daytime Phone

Owen@owentrepanier.com

Email Address

Section(s) of Land Development Regulations to be Amended (if applicable): Not Applicable

Policy(s) of Comprehensive Plan to be Amended (if applicable): New Policy 107.1.1

Please provide an analysis as to how the proposed amendment is consistent with the applicable provisions of the Land Development Regulations, Comprehensive Plan and the Principles for Guiding Development for the Florida Keys (attach additional sheets if necessary):

The proposed Comprehensive Plan Amendment (a Sub-Area Policy ("SAP")) is a consistent with the Principles for Guiding Development and the applicable provisions of the Comprehensive Plan as demonstrated by the following analysis:

The Principles for Guiding Development are a set of State Mandated principals with which comprehensive plans must be consistent. The Principles are a result of the 1986 Florida Keys Protection Act, which designated the Florida Keys and Monroe County as an Area of Critical State Concern ("ACSC"). The Principles are intended to ensure all Comprehensive Plans in Monroe County remain consistent with the goals of the Florida Keys Protection Act. The Principles are spelled out on F.S. 380.0552

(7)

- CONTINUED ON NEXT PAGE

Consistency with the Principles for Guiding Development and applicable Comprehensive Plan Policies
– CONTINUED FROM PREVIOUS PAGE

Principle (a): *To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.*

Consistency: Principle (a) seeks to strengthen the capacity of Monroe County to effectively manage land use in a sustainable manner that will allow the eventual de-designation of the County as an ACSC but maintain the County's ability to effectively manage land use. To these ends, DCA Rule 9j-5 requires all land have a future land use designation. This rule strives to ensure that local government has the capacity to manage land use. Currently, Wisteria has no future land use thus placing the County in conflict with Rule 9j-5. The proposed designation together with this amendment brings Wisteria into compliance and strengthens the County's capacity to effectively and continually manage Wisteria's land use.

Principle (b) *To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.*

Consistency: Principle (b) seeks to protect marine native habitat. The proposed amendment improves near shore water quality and reduces impacts on the marine environment by:

- Managing the mooring of vessels through the creation of a managed mooring field with adequate shore-side infrastructure;
- Reducing residential and commercial impacts on the marine environment through density and intensity limitations;
- Reducing residential and commercial impacts on the marine environment through residential dockage limitations; and
- Requiring any necessary environmental mitigation to occur onsite or in adjacent waters.

The amendment accomplishes the above-mentioned environmental goals specifically by:

1. MANAGED MOORING - The amendment requires the development of a public access, managed mooring field. "A public access mooring field shall be developed as of right in adjacent waters following approval by the Board of Trustees of the Internal Improvement Trust Fund with the following associated upland amenities/ facilities allowed on Wisteria Island prior to the issuance of a certificate of occupancy for any other upland development on Wisteria"

The Managed mooring field requirement contained within the amendment is an effective and suitable protective mechanism for the shoreline and marine resources, coral reef formations, seagrass beds, fish and their habitat. Wisteria, like much of the County has experienced a dramatic increase in the need to manage the illegal mooring of vessels and the resulting marine resource degradation. The dramatic need is evidenced by recent actions of both Monroe County and the State of Florida.

The Keys-Wide Mooring Field System study prepared by the Monroe County Department of Marine Resources, dated July 30th, 2002, identified Wisteria and the surrounding area as the "largest and most problematic anchorage in the Keys", and with an anchorage population of between 250-400 boats this "enormous anchorage grounds is truly out of hand". Wisteria is specifically identified as a high priority area. The study also identifies Wisteria itself as a feasible location for facilitating the management of, and providing upland facilities servicing, a mooring field.

The State of Florida also recently identified the need to encourage the management of moored vessels and the Mooring Field Pilot Program legislation specifically identifies Monroe County as one of the locations of need. The Board of County Commissioners subsequently acted to participate in the program and received a presentation from the US Fish & Wildlife on 12/10/09.

The proposed SAP furthers the solutions proposed by both the County and State for overcoming the challenges resulting from unmanaged mooring of vessels. The principal feature of the SAP is a requirement for the development of a public access, managed, mooring field in Wisteria's adjacent waters with the associated upland facilities following approval by the Board of Trustees of the Internal Improvement Trust Fund and the requisite State and Federal regulatory agencies, prior to occupancy of any other upland development on Wisteria.

2. DENSITY & INTENSITY LIMITATIONS - The amendment places caps the densities and intensities of uses on Wisteria thereby limiting potential marine impacts of such uses. The amendment will only allow less than that which is permitted under Mixed Use ("MU") zoning, and then only under the elevated scrutiny of the conditional use review and approval process.

The density and intensity caps imposed by the amendment result in the following reductions in development potential:

| Use | Pot. Density/ Intensity without Limitation | Pot. Density/ Intensity w/Amendment Limitation | % Reduction |
|-----------------|--|--|-------------|
| Residential | 576 units | 40 | 93.1% |
| Transient | 400 bedrooms | 35 (\leq 85 bedrooms) | 78.8% |
| Non-Residential | 392,000 sq. ft. | 39,500 | 89.9% |

The amendment's proposed density and intensity reductions significantly reduce respective impacts on the marine environment through an average density-intensity reduction of 86%.

Principle (c) *To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.*

Consistency: Principle (c) seeks to protect upland native habitat. The proposed amendment effectuates this principle through:

- Encouraging the preservation of Tier I and Tier II lands county-wide by requiring the use of residential transferable development rights;
- Counteracting the source and spread of invasive exotic species through an island-wide invasive exotic control program;
- Preserving and protecting the mangrove wetland community (area "A") located on Wisteria; and
- Requiring any necessary environmental mitigation to occur onsite or in adjacent waters.

The amendment accomplishes the above-mentioned environmental goals specifically by:

1. PROTECTING UPLAND HABITAT - The amendment furthers the intent and goals of Principle (c) by encouraging native upland habitat preservation and density reductions through the use of transferable residential development rights ("TDRs") and transferable residential ROGO-exemptions ("TRES").

The use of TDRs and TREs accomplishes three goals: 1. provides a minimal as-of-right land use, 2. requires residential or transient residential development to transfer

existing ROGO-exempt units without increasing the number of units within the County; and 3. in order to achieve maximum net density, native habitat, or Tier I, or Tier II lands will need to be dedicated to conservation per the TDR Ordinance (MCC Sec. 130-160).

The TDR and TRE requirements of the SAP will result in native habitat lands being dedicated to conservation. The potential number of acres required for dedication depends on the zoning of the lands dedicated; for instance, if lands zoned Mainland Native are dedicated for the TDRs 2,900 acres would be required to realize the SAP's maximum net density. However, if lands zoned Suburban Commercial were used 9.7 acres would be required. We are unable to predict the exact amount of land that will be conserved as a result of the TDR process however, the SAP insures that 35 units of density will be retired on lands containing valuable habitat, and that habitat will be dedicated for conservation.

2. INVASIVE EXOTIC REMOVAL - The amendment furthers the intent and goals of Principle (c) by requiring invasive exotic removal and replanting according to Code for any area of upland development prior to the issuance of any non-mooring field-related certificate of occupancy.
3. WETLAND PROTECTION AND ENHANCEMENT - The amendment requires the protection and enhancement of the mangrove wetland area "A" identified in the Habitat Assessment. The amendment requires "[t]o the maximum extent practicable all development shall be designed to avoid and minimize impacts to the Western mangrove wetland area. Any wetland impacts occurring on Wisteria Island shall be offset by mitigation on Wisteria Island or in the adjacent waters, in an amount required by Federal and State or other applicable permitting requirements. Only pile-supported structures will be allowed in the wetland area located on the Southern end of the island."

Principle (d) *To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.*

Consistency: Principle (d) seeks sound economic development strategies. The proposed amendment furthers the goals of this principle through mixed use practices and encourages the creation of small scale, maritime-oriented, mixed use commercial, specifically servicing the mooring field and the limited potential upland development. This type of mixed use development is specifically encouraged in the F.S. 163 and Rule 9j-5.

Additionally, the amendment encourages the use of transferable transient ROGO exemptions ("TREs"). The use of TREs encourages the redevelopment of under-utilized transient establishments into modern, state of the industry establishments, thereby rebuilding the economic infrastructure of the local tourism and maritime industry. The rebuilding of industry infrastructure has, not only, a stabilizing effect on local employment rates, but often increases employment opportunities.

Principle (e) *To limit the adverse impacts of development on the quality of water throughout the Florida Keys.*

Consistency: Principle (e) seeks to limit adverse impacts on water quality. The proposed amendment furthers this goal in several ways:

- Prohibiting septic tanks, package plants, and wastewater treatment plants on Wisteria;
- Requiring the dockside and mobile pump out services in conjunction with the public access managed mooring field; and
- Enhancing, preserving, and protecting the western mangrove wetland.

1. WASTE WATER TREATMENT - The amendment prohibits septic tanks, package and wastewater treatment plants on Wisteria. The SAP requires "[u]pland development shall not occur until all required State and local approvals and permits have been

issued to provide Wisteria potable water service and advanced wastewater service in sufficient quantity and capacity to accommodate such development. No septic tanks, package treatment plants, or wastewater treatment plants shall be located on Wisteria.”

2. DOCKSIDE AND MOBILE PUMP OUT SERVICE – The amendment requires “Fixed and mobile boat holding tank pump-out services. Such services shall be provided to boats using the public access mooring field at all times the public access mooring field is in operation.”
3. WETLAND ENHANCEMENT, PRESERVATION AND PROTECTION – As mentioned above (Principle c) the amendment requires the enhancement, preservation and protection and of the Western mangrove wetland area identified in the Habitat Assessment. Such wetland-oriented actions reduce impacts on water quality.

Principle (f) *To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.*

Consistency: Principle (f) seeks ensure and enhance the compatibility of development with the scenic, aesthetic and historic character of the keys. The proposed amendment furthers the principle’s goal by its limiting uses, and densities and intensities of uses of the mixed use future land use designation. The mixed use designation is appropriate and compatible with the historic and existing character of the surrounding uses and land use designations. The mooring field requirements enhance the scenic and aesthetic resources by cleaning up the illegal derelict and abandoned vessels that create such blight in area. Finally the amendment encourages maritime and waterfront mixed uses on a small, appropriate and suitable scale - a mix of uses that the port has historically maintained.

Principle (g) *To protect the historical heritage of the Florida Keys.*

Consistency: Principle (g) seeks to protect the historical heritage of the Keys. The amendment furthers this protections by encouraging historically sympathetic development. The Keys has a maritime heritage; the amendment not only encourages maritime-related development, it requires it. Additionally the amendment encourages the creation of maritime and tourist infrastructure; two important historical sectors of Keys heritage.

Principle (h) *To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:*

1. *The Florida Keys Aqueduct and water supply facilities;*

Consistency: As demonstrated by the attached Concurrency Analysis, the proposed amendment will not adversely affect the Florida Keys Aqueduct and water supply facilities. There is sufficient capacity to accommodate the potential impacts as a result of the amendment. The amendment also prohibits upland development until such time that all State and local permits have been issued to provide Wisteria with potable water.

2. *Sewage collection and disposal facilities;*

Consistency: As demonstrated by the attached Concurrency Analysis, the proposed amendment will not adversely affect the existing sewage collection and disposal facilities. There is sufficient capacity to accommodate the potential impacts as a result of the amendment. The amendment also prohibits upland development until such time that all State and local permits have been issued to provide advanced wastewater treatment.

3. *Solid waste collection and disposal facilities;*

Consistency: As demonstrated by the attached Concurrency Analysis, the proposed amendment will not adversely affect the existing solid waste collection and disposal facilities. There is sufficient capacity to accommodate the potential impacts as a result of the amendment.

4. *Key West Naval Air Station and other military facilities;*

Consistency: The proposed amendment has no adverse impacts on the Key West Naval Air Station or other military facilities. However, there is an existing problem of unmanaged moored vessels in close proximity to Fleming Key. The amendment's requirement for the establishment of a public access managed mooring field will create a viable, legal option for the relocation of these vessels away from the Navy Base, thereby furthering the goal of this principle.

5. *Transportation facilities;*

Consistency: The proposed amendment has several positive impacts on the transportation facilities associated with Wisteria, its surrounds, and the port. The mooring field increases the maritime transportation infrastructure and the required water taxi service will encourage a reduction in dinghy traffic across Key West Harbor.

6. *Federal parks, wildlife refuges, and marine sanctuaries;*

Consistency: The proposed amendment has significant beneficial impacts for Federal parks, wildlife refuges, and marine sanctuaries. Wisteria is within the National Marine Sanctuary, adjacent to the Key West National Wildlife Refuge and the Great White Heron National Wildlife Refuge. The amendment will have direct beneficial impacts to:

- Near shore water quality;
- Marine resources and hard & soft bottom habitat;
- Upland native habitat;
- Wetland enhancement, preservation, and protection;
- Elimination of unmanaged mooring; and
- Exotic invasive seed source eradication.

7. *State parks, recreation facilities, aquatic preserves, and other publicly owned properties;*

Consistency: The proposed amendment has no negative impacts on State parks, recreation facilities, aquatic preserves, and other publicly owned properties. The amendment does however increase public access to the water by the required development of the public access managed mooring field and its related amenities.

8. *City electric service and the Florida Keys Electric Co-op; and*

Consistency: As demonstrated by the attached Concurrency Analysis, the proposed amendment will not adversely affect the existing electrical facilities. There is sufficient capacity to accommodate the potential impacts as a result of the amendment.

9. *Other utilities, as appropriate.*

Consistency: The amendment will not adversely affect other utilities.

Principle (i) *To limit the adverse impacts of public investments on the environmental resources of the Florida Keys.*

Consistency: There will be no adverse impacts on public investments on the environmental resources of the Florida Keys. It does however require substantial private investment that directly benefits the Key's natural resources.

Principle (j) *To make available adequate affordable housing for all sectors of the population of the Florida Keys.*

Consistency: The amendment permits the development of five affordable housing units on Wisteria. The creation of affordable housing on Wisteria has two positive impacts on affordable housing in the Florida Keys: 1. Employees working on Wisteria have the opportunity to reside on Wisteria, and thereby

are not competing for housing on other nearby islands; and 2. Living and working in place cuts down on trip generation on the other nearby islands.

Principle (k) *To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.*

Consistency: The amendment requires the development of a hurricane preparedness plan and a covenant to be recorded in the public records requiring the island be evacuated by private means.

Principle (l) *To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.*

Consistency: As described above, the amendment has many requirements that protect public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource. These include the development of maritime resources such as the public access, managed mooring field, water taxi service, pump out service; improvements to near shore water quality; and enhancement, preservation and protection of upland habitats including wetlands.

COMPREHNSIVE PLAN ANALYSIS

A Comprehensive Plan is the written policy of the community's goals and aspirations in terms of community development. Monroe County adopted its existing Comprehensive Plan in 1993 with several amendments and revisions since that time. The Monroe County Comprehensive Plan is currently undergoing comprehensive review and revision. This Amendment creates a new Objective and a new Goal for Sub-Areas, implemented by a Policy specific to the Wisteria Sub-Area. Notwithstanding that the provisions of this new Sub-Area Policy would prevail over prior, less specific Policies, an analysis of current Policies, as well as existing Goals and Objectives of the 2010 Comp Plan, has been conducted to determine consistency of the new Objective, Goal and Policy with provisions of the existing Plan.

All existing Goals, Objectives and Policies were reviewed for consistency with the Amendment. Special attention was given to Goal 209 and Objective 202.2, as well as to Policies applicable to various types of islands.

Goal 209 *Monroe County shall discourage private land uses on its mainland, Offshore Islands and undeveloped coastal barriers, and shall protect existing conservation lands from adverse impacts associated with private land uses on adjoining lands.*

Consistency: Wisteria is a predominantly scarified fill island abutting a commercial port. It is not designated Offshore Island, nor does it share the characteristics of an Offshore Island as contemplated by the Comprehensive Plan. Wisteria is not a coastal barrier (COBRA) island or conservation land. It has no undisturbed saltmarsh or buttonwood wetlands, and constitutes a primary invasive exotic seed source.

Notwithstanding the inapplicability of this Goal to Wisteria, the Amendment makes specific provisions for conservation and protection of wetlands and other natural resources on or adjacent to Wisteria, and requires eradication of invasive exotics, consistent with the general purposes of the Goal and other provisions of the Comprehensive Plan.

Objective 209.2 *Monroe County shall regulate land use activities on the islands in the surrounding waters of Florida Bay, Hawk Channel, and other waters within the legal boundaries of Monroe County.*

Consistency: Wisteria is an island "in the waters within the legal boundaries of Monroe County". Accordingly, the Amendment is consistent with Objective 209.2, which requires Monroe County to regulate land use activities on all islands within its legal boundaries. The Amendment accomplishes this Objective, and fulfills the mandate of Rule 9J-5 that all lands be given a future land use designation, by providing a FLUM designation that Wisteria currently lacks.

Policy 101.12.4 *Requires analysis prior to extending significant public infrastructure (25% expansion) into Tier 1, except water and sewer.*

Consistency: Wisteria is not designated Tier 1, nor does this scarified fill island, predominantly vegetated with invasive species, meet the criteria for Tier 1 designation.¹ The Amendment assures consistency with this Policy by specifying that Wisteria is not designated Tier 1.

Policies 102.7.2, 102.7.3, 207.1.2, 207.9.1, 215.2.3, 217.4.2, 1401.2.2, and 101.12.4, which apply to islands having a FLUM designation of Offshore Island, that are designated as units of the Coastal Barrier Resources System ("COBRA"), or are established bird rookeries, were considered but found inapplicable to the Amendment. Wisteria is a predominantly scarified fill island in a port harbor; it is not designated Offshore Island, nor does it share the characteristics of an Offshore Island as contemplated by the Comprehensive Plan. Wisteria is not a documented or established bird rookery, nor has it been designated as a COBRA unit.

¹ Based on 2009 Environmental Assessment by Consulting Engineering and Science, Inc.

APPLICATION

Amendments may be proposed by the Board of County Commissioners, the Planning Commission, the Director of Planning, owner or other person having a contractual interest in property to be affected by a proposed amendment.

The BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six (6) factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):

1) Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based:

The projections upon which the existing plan and map were based have changed due to the following: 1. the recognition that this privately owned land within the County's only federally recognized deep water Port and urban area has no FLUM designation; 2. the lack of a FLUM designation is in direct conflict with the County's Comprehensive Plan and Rule 9j-5, requiring all lands to have a future land use designation; 3. the County's 2002 Keys-Wide Mooring Field System Study identified Wisteria as the apparent "largest and most problematic anchorage in..." - CONTINUED ON NEXT PAGE

2) Changed assumptions (e.g., regarding demographic trends):

Assumptions have changed regarding demographic trends pursuant to MCC Sec. 102-158(d)(5)(2). The County has experienced a dramatic need to manage the illegal mooring of vessels as evidenced by both County and State actions. The Keys-Wide Mooring Field System study prepared by the Monroe County Department of Marine Resources, dated July 30th, 2002 identified Wisteria and the surrounding area as the "largest and most problematic anchorage in the Keys", and with an anchorage population of between 250-400 boats this - CONTINUED ON NEXT PAGE

3) Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan:

A mapping error occurred when the current FLUM maps were created. As depicted in the attached FLUM map for this area, Wisteria is the only property in unincorporated Monroe County missing a FLUM designation on map panel 8. It is clearly an oversight considering all other land on this panel is FLUM'd with various designations. Even the very "insignificant" public lands and mangrove islands located far from US 1 contain various FLUM designations, but this significant piece of privately owned land adjacent to and within very intense area... - CONTINUED ON NEXT PAGE

4) New issues:

In the 2002 Keys-Wide Mooring Field System Study, Monroe County identified a growing problem around Wisteria. The study identified Wisteria as the apparent "largest and most problematic anchorage in the Keys" and found that "this enormous anchorage grounds is truly out of hand. The area is in dire need of management and enforcement of regulations." Wisteria was specifically identified as an upland location to service a managed, public access mooring field. ... - CONTINUED ON NEXT PAGE

5) Recognition of a need for additional detail or comprehensiveness:

There was an obvious need for additional detail and comprehensiveness on the existing FLUM Panel No. 8 based on the fact that this significant piece of privately owned land was overlooked in the last mapping process. Additionally the lack of a suitable designation is inconsistent with the Comp Plan, Chapter 163, and Rule 9j-5 requiring all lands to be designated with a suitable and compatible future land use. The adoption of the FLUM designation and the Sub Area Policy will satisfy the current need for additional detail or comprehensiveness.

6) Data updates:

As mentioned above, the fact that this property has no FLUM designation requires a data update to the existing FLUM Panel No. 8. The proposed sub area policy is an appropriate regulatory strategy for limiting the maximum development potential allowed by a future land use category on Wisteria as supported by the data and analysis. This amendment requires the development of a public access mooring field with associated upland facilities prior to occupancy of any other upland development on Wisteria, as well further restricting permitted uses, densities, and intensities. The amendment also elevates all development not associated with the public access mooring field to the level of a Conditional Use review.

1) Changed Assumptions Regarding Demographic Needs Pursuant to MCC Sec. 102-158(d)(5)(2) - CONTINUED

... the Keys"; 4. without a FLUM, a properly developed public access, managed, mooring field cannot be permitted; 5. the proposed Sub Area Policy is an appropriate, compatible, and suitable regulatory strategy for limiting the maximum development potential allowed by a future land use category on parcels, or small areas, when supported by data and analysis. This amendment requires the development of a public access mooring field with associated upland facilities prior to occupancy of any other upland development on Wisteria, as well further restricting permitted uses, densities, and intensities. This amendment also elevates all development not associated with the public access mooring field to the level of a Conditional Use review.

2) Changed Assumptions Regarding Demographic Needs Pursuant to MCC Sec. 102-158(d)(5)(2) - CONTINUED

... "enormous anchorage grounds is truly out of hand". Wisteria is specifically identified as a high priority area. The study also identifies Wisteria itself as a feasible location for facilitating the management of, and providing upland facilities servicing, a mooring field.

The State of Florida also recently identified the need to encourage the establishment of additional mooring fields and the legislation specifically listed Monroe County as one of the locations of need. The Board of County Commissioners then acted to participate in the program and received a presentation from the US Fish & Wildlife on 12/10/09.

Without a FLUM designation the needed mooring field can not be developed. We propose a FLUM of MC to allow the development of the mooring field. With an attendant zoning classification of Mixed Use ("MU"), we would anticipate the development of a mooring field to be approved as a major conditional use.

3) Data Errors including errors in Mapping, vegetative types and natural features - CONTINUED

... was neglected to be FLUM'd. With regard to vegetative types and natural features, Wisteria is a blighted, disturbed spoil island with no environmentally sensitive upland habitat types targeted or defined by the tier system.

4) New Issues - CONTINUED

... The problems identified by the County in 2002 came as no surprise to the property owners who are currently proposing the development of a public access, managed mooring field in this location. FWC invited Monroe County to participate in the Mooring Field Pilot Program and the Wisteria Island mooring field would be developed in conjunction with the program. During the preparatory process it was discovered Wisteria has no future land use designation. The lack of designation on Wisteria, apparently an oversight, is inconsistent with the Monroe County Comprehensive Plan, Chapter 163, F.S., and Chapter 9J-5, F.A.C., which require all lands within the bounds of a local government jurisdiction to be designated with a future land use on the comprehensive plan's Future Land Use Map ("FLUM").

An application for Mixed Use-Commercial ("MC") FLUM designation for Wisteria was filed with Monroe County on November 25th, 2009. MC is an appropriate designation based on the district's purpose and intent, the environmental characteristics of the property, the environmental characteristics of the surrounding area, and the mixed use character and compatibility of the surrounding land uses and FLUM designations. While the MC designation is the most appropriate designation for Wisteria, the maximum densities and intensities permitted under MC may be inappropriate for the Island's unique characteristics. An effective strategy to limit inappropriate uses, densities, and intensities of a land designation is to implement a Sub Area Policy.

Sub Area Policies ("SAPs") are regulatory strategies for appropriately limiting the maximum development potential allowed by a future land use category on parcels, or small areas, when supported by data and analysis. This proposed SAP requires the development of a public access mooring field with associated upland facilities prior to occupancy of any other upland development on Wisteria, as well further restricting permitted uses, densities, and intensities. The SAP also elevates all development not associated with the public access mooring field to the level of a Conditional Use review.

Additionally, the subject parcel has been associated with an urbanized deep water port since it was created in association with the port in the late 1800's. The adjacent property was converted from military land use designation to a mixed use designation in 1993. Thus, the closest property to the subject property has also undergone a significant change in actual land use and land use designation creating a significant new issues pursuant to MCC Sec. 102-158(d)(5)(4).

APPLICATION

In no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located. Please describe how the text amendment would not result in an adverse community change (attach additional sheets if necessary):

The proposed Mixed Use-Commercial ("MC") FLUM designation of Wisteria is an appropriate designation based on the district's purpose and intent, the environmental characteristics of the property, the environmental characteristics of the surrounding area, and the mixed use character and compatibility of the surrounding land uses and FLUM designations. The proposed Sub Area Policy ("SAP") limits density, and intensity, and uses of MC to insure compatibility with Wisteria's unique attributes and characteristics. ... - CONTINUED ON NEXT PAGE

Has a previous application been submitted for this amendment within the past two years? Yes ___ No X

**All of the following must be submitted in order to have a complete application submittal:
(Please check as you attach each required item to the application)**

- ☒ **Complete text amendment application (unaltered and unbound);**
- ☒ **Correct fee (check or money order to Monroe County Planning & Environmental Resources);**
- ☒ **Copy of Complete Existing Section and/or Existing Policy to be Amended or Deleted;**
- ☒ **Copy of Complete Proposed Section and/or Proposed Policy to be Amended or Added**

If applicable, the following must be submitted in order to have a complete application submittal:

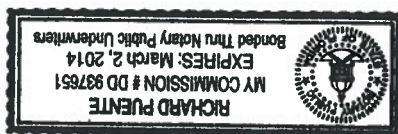
- ☒ **Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)**
- ☒ **Any Letters of Understanding pertaining to the proposed text amendment**

If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant: [Signature] **Date:** 4-8-10

Sworn before me this 8 **day of** April 200



[Signature]
Notary Public
My Commission Expires

Please send the complete application package to the Monroe County Planning & Environmental Resources Department, Marathon Government Center, 2798 Overseas Highway, Suite 400, Marathon, FL 33050.

Please describe how the text amendment would not result in an adverse community change
– CONTINUED FROM PREVIOUS PAGE

... The proposed FLUM designation of Wisteria is MC. MC is an appropriate designation based on the district's purpose and intent, the environmental characteristics of the property and its surrounds¹. The character and compatibility of the surrounding land uses and FLUM designations are also mixed use². Notwithstanding the MC designation compatibility with regard to purpose and intent, some zoning categories within MC permit high levels of density and intensity. The project team considered Wisteria's characteristics, the surrounding area, and the goals of both the property owner and the County's Comprehensive Plan, coordinated State and County planners, and concluded a SAP that further limits and regulates Wisteria's development under MC is appropriate.

SAPs are regulatory strategies for appropriately limiting the maximum development potential allowed by a future land use category on parcels or with in small areas when supported by data and analysis. SAPs have been previously reviewed and approved by the Florida Department of Community Affairs³ ("DCA").

The project team sought counsel from Monroe County and DCA planners for appropriate SAP examples and implementation strategies. A draft SAP was produced based on data and analysis⁴ and submitted to the County for consideration on 02/12/10. The SAP achieves several key goals of both the Monroe County and the State of Florida:

- Improving near shore water quality;
- Reducing impacts on the marine environment;
- Enhancing and protecting the quality of Monroe County's upland native habitat; and
- Insuring no increase in residential or transient densities, which negatively affect hurricane evacuation by:
 - Managing the mooring of vessels through the creation of a managed mooring field with adequate shore-side infrastructure;
 - Reducing residential and commercial impacts on the marine environment through density and intensity restrictions;
 - Counteracting the source and spread of invasive exotic species through an island-wide invasive exotic control program; and
 - Encouraging the preservation of Tier I and Tier II lands county-wide by restricting Wisteria's allocated residential density and by permitting the transfer of development rights to Wisteria; and
 - Requiring the transfer of ROGO-exempt equivalent dwelling units to Wisteria.

Managed Mooring Analysis

"A public access mooring field shall be developed as of right in adjacent waters following approval by the Board of Trustees of the Internal Improvement Trust Fund with the following associated upland amenities/ facilities allowed on Wisteria Island prior to the issuance of a certificate of occupancy for any other upland development on Wisteria"

The SAP addresses two of the major environmental issues facing Monroe County - near shore water pollution and sea grass degradation resulting from unmanaged mooring of vessels. Monroe County has experienced a dramatic increase in the need to manage the illegal mooring of vessels as evidenced by both County and State actions. The Keys-Wide Mooring Field System study prepared by the Monroe County Department of Marine Resources, dated July 30th, 2002 identified Wisteria and the surrounding area as the "largest and most problematic anchorage in the Keys", and with an anchorage population of between 250-400 boats this "enormous anchorage grounds is truly out of hand". Wisteria is specifically identified as a high priority area. The study also identifies Wisteria itself as a feasible location for facilitating the management of, and providing upland facilities servicing, a mooring field.

The State of Florida also recently identified the need to encourage the management of moored vessels and the Mooring Field Pilot Program legislation specifically identifies Monroe County as one of the locations of need. The Board of

¹ As laid out in the FLUM Designation Narrative submitted as part of the FLUM designation application filed with Monroe County Growth Management on 11/25/09

² Ibid and Port and Waterfront Use Compatibility Analysis by Trepanier & Associates, 2008

³ See Lake County Comprehensive Plan, Objective J-1.6

⁴ Based on the Environmental Assessment by Consulting Engineering and Science, Inc., 2009; Port and Waterfront Use Compatibility Analysis by Trepanier & Associates, 2008; Keys-Wide Mooring Field System Preliminary Planning Document by Monroe County Department of Marine Resources, 2002

County Commissioners subsequently acted to participate in the program and received a presentation from the US Fish & Wildlife on 12/10/09.

The proposed SAP embraces the solution proposed by both the County and State for overcoming the challenges resulting from unmanaged mooring of vessels. The principal feature of the SAP is this requirement for the development of a public access managed mooring field in Wisteria's adjacent waters with the associated upland facilities following approval by the Board of Trustees of the Internal Improvement Trust Fund and the requisite State and Federal regulatory agencies, prior to occupancy of any other upland development on Wisteria.

County-wide Native Upland Preservation and Density Reductions

The SAP furthers the intent and goals of the Comprehensive Plan by encouraging native upland habitat preservation and density reductions through the use of transferable development rights ("TDRs") and transferable ROGO-exemptions ("TREs").

Allocated density limitations in the SAP reduce the as of right density of Wisteria to 1 residential unit per 10 acres. This accomplishes three goals: 1. provides a minimal as-of-right land use thereby reducing potential takings claims, 2. requires residential or transient residential development to transfer existing ROGO-exempt units without increasing the number of units within the County affecting hurricane evacuation; and 3. in order to achieve the maximum net density of 2 units per acre, native habitat, or TIER I, or TIER II lands will need to be dedicated to conservation per the TDR Ordinance, MCC Sec. 130-160.

The requirement for TREs insures that any residential or transient residential development resulting from the FLUM designation will require the re-use of existing ROGO-exempt units and not place any additional burden on hurricane evacuation or the existing ROGO allocation system.

The requirement for TDRs insures that the residential development resulting from the FLUM designation does not result in a density increase within Monroe County, and at the same time furthering the goals of the comprehensive plan to preserve valuable habitat through the conservation land dedicated mentioned above and further discussed below.

The TDR and TRE requirements of the SAP will result in native habitat lands being dedicated to conservation. The potential number of acres required for dedication depends on the zoning of the lands dedicated; for instance, if lands zoned Mainland Native are dedicated for the TDRs 2,900 acres would be required to realize the SAP's maximum net density of 2 units per acre. However, if lands zoned Suburban Commercial were used 9.7 acres would be required. We are unable to predict the exact amount of land that will be conserved as a result of the TDR process however, the SAP insures that 35 units of density will be retired on lands containing valuable habitat, and that habitat will be dedicated for conservation.

Permitted Uses and Regulatory Review Analysis

The SAP also limits the uses permitted under the MC FLUM designation. Allowable uses have been further limited to encourage compatibility with Wisteria's unique attributes and characteristics. Those same characteristics that make Wisteria unique also lend themselves to a higher level of regulatory review and consideration. As a result, the SAP elevates all non-mooring field-related upland development to conditional use status for purposes of the Monroe County Code.

The SAP permits only the following uses, and as described below, in significantly reduced levels⁵:

- Public Access Mooring Field with associated upland facilities (as described above);
- A maximum of 35 market-rate single-family residential dwellings, with all required TDRs and TREs to be transferred on site;
- A maximum of 5 employee residential dwellings;
- A maximum of 35 transient residential units⁶, with all required TREs to be transferred on site;
- Nonresidential floor area not to exceed 39,500 sq. ft. and further limited to low and medium intensity uses;

⁵ See MC, MU & SAP Maximum Density – Intensity Comparison chart below

⁶ For the purposes of density & ROGO, MCC Sec. 101-1 treats each bedroom - bath combination as a single room/unit. The transient residential units envisioned will be a mix of 2 & 3 bedroom units. All necessary ROGO allocations will be applied as required by the above code section as well as all pertinent Comprehensive Plan Policies and Land Development Regulations.

- Commercial recreational uses to serve as support and amenities for a public access mooring field in adjacent waters;
- The SAP restricts dockage by requiring a communal facility to accommodate (45-slip maximum in association with the mooring field and the upland units), however such dockage does not constitute nor authorize a marina. 35 of the 45 slips are for use by the owners or occupants of the upland units, the remaining slips are for use in association with the mooring field.
- Accessory uses; and
- Public Uses.

Density – Intensity Analysis

The SAP also caps the densities and intensities of uses on Wisteria. The SAP will only allow less than that which is permitted under Mixed Use (“MU”) zoning, and then only as a conditional use. This means that the density and intensity will be strictly capped and only those uses appropriate for Wisteria shall be permitted, and the approval of which shall require the elevated scrutiny of the conditional use review process.

The densities and intensities of the MC, MU and the draft SAP are compared below. Immediately apparent is the significant reduction imposed by the SAP. For instance, an MC designation could allow approximately 524 single family market rate and affordable housing units on Wisteria, however, the SAP limits such density to a total of about 40 units. At the same time, the SAP prohibits high intensity nonresidential floor area and reduces the maximum nonresidential floor area from 356,760 sq. ft. to 39,500 sq. ft. – an 89% reduction.

The following table analyzes the maximum densities and intensities of the unregulated MC FLUM designation, the MC zoning classification, and the proposed SAP.

| Maximum Density - Intensity Comparison | | | | | |
|---|----------------------------------|-----------------|-------------------------|-----------------|--|
| Site Size ~792,792 sq. ft. | Mixed Use Commercial FLUM | | Mixed Use Zoning | | Sub Area Polcy |
| Open Space (≥20%) | | | | | |
| Residential Allocated Density | 6 units/ acre | 109 units | 1 units/ acre | 18.2 units | 35 units total |
| Residential Max Net Density | 18 units/ acre | 262 units | 12 units/ acre | 174.7 units | |
| Affordable Density (Max. Net) | 18 units/ acre | 262 units | 18 units/ acre | 262.1 units | 5 units |
| Transient Allocated Density | 15 units/ acre | 273 units | 10 units/ acre | 182.0 units | 35 transient residential units, ≤ 85 bed-bath combinations |
| Transient Max Net Density* | 25 units/ acre | 364 units | 15 units/ acre | 218.4 units | |
| Low Intensity Commercial Retail | 0.45 FAR | 356,756 sq. ft. | 0.35 FAR | 277,477 sq. ft. | 39,500 sq. ft. |

The environmental characteristics of Wisteria and its environs as well as the adjacent land uses and FLUM designations demand diverse appropriate uses at individually low intensity levels. The SAP accomplishes this goal by allowing only small amounts of individual uses thereby furthering the intent of the MC designation and ensuring continued compatibility with the environment and the mixed use nature of the surrounding land uses and FLUM designations, as well as the preference for mixed use development under Chapter 163, F.S., and Chapter 9J-5, F.A.C.

When evaluating the effect of the SAP’s overall intensity, it is important to understand the cumulative effect of the individual permitted uses. When we overlay the cumulative maximum densities and intensities capped by the SAP onto the MC FLUM classification we see the SAP allows only 59.1% of the maximum development potential of the MC FLUM classification. When we do the same for the MU zoning classification, we see the maximum development allowed under the SAP represents 97.7% of the MU development potential.

The following table is a cumulative comparative analysis of the maximum development allowed under the SAP compared with the maximum development allowed under an MC FLUM designation.

| Cumulative Intensity of SAP Compared to MC FLUM | | | |
|--|----------------------------------|--|-------------------------------|
| Intensity | MC Permitted Floor Area | SAP Permitted Floor Area | % of MC Dev. Potential |
| Low Intensity Commercial Retail | 356,756 sq. ft. | 39,500 sq. ft. | 11.1% |
| | | Subtotal | 11.1% |
| Density | MC Units/ Rooms permitted | SAP Units Permitted | % of MC Dev. Potential |
| Transient Allocated Density | 273 | 35 transient residential units ≤ 85 bed-bath combinations | 31.1% |
| Transient Max Net Density | 364 | 0 | 0.0% |
| | | Subtotal | 31.1% |
| Affordable Density (Allocated) | 18 | 0 | 0.0% |
| Affordable Density (Max. Net) | 262 | 5 | 1.9% |
| | | Subtotal | 1.9% |
| Residential Allocated Density | 109 | 3 | 2.8% |
| Residential Max Net Density | 262 | 32 | 12.2% |
| | | Subtotal | 15.0% |
| Total Development Capacity of SAP Compared to MC FLUM Designation | | | 59.1% |

The above table is a comparative analysis of the maximum development allowed under the SAP compared with the maximum development allowed under an MC FLUM designation. The table demonstrates the maximum development potential of the SAP equals only 59.1% of the MC development potential.

The following table is a cumulative comparative analysis of the maximum development allowed under the SAP compared with the maximum development allowed under an MU zoning classification.

| Cumulative Intensity of SAP Compared to MU Zoning Classification | | | |
|---|------------------------------------|--|-------------------------------|
| Intensity | MU Permitted Floor Area | SAP Permitted Floor Area | % of MU Dev. Potential |
| Low Intensity Commercial Retail | 277,477 sq. ft. | 39,500 sq. ft. | 14.2% |
| | | Subtotal | 14.2% |
| Density | MU Units or Rooms permitted | SAP Units or Rooms Permitted | % of MU Dev. Potential |
| Transient Allocated Density | 182 | 35 transient residential units ≤ 85 bed-bath combinations | 46.7% |
| Transient Max Net Density | 218 | 0 | 0.00% |
| | | Subtotal | 46.7% |
| Affordable Density (Allocated) | 18.2 | 0 | 0.00% |
| Affordable Density (Max. Net) | 262 | 5 | 1.9% |
| | | Subtotal | 1.9% |
| Residential Allocated Density | 18.2 | 3 | 16.4% |
| Residential Max Net Density | 174 | 32 | 18.4% |
| | | Subtotal | 34.8% |
| Total Development Capacity of SAP Compared to MU Zoning Classification | | | 97.7% |

The above table is a comparative analysis of the maximum development allowed under the SAP compared with the maximum development allowed under an MU zoning classification. The table demonstrates the maximum development potential of the SAP equals 97.7% of the MU development potential.

Hurricane Evacuation

In addition to the restrictions on uses and densities and intensities of use, the SAP requires the island to prepare a hurricane evacuation plan prior to issuance of a certificate of occupancy for any non-mooring field-related development on the uplands. The SAP also requires the recordation in the County's public records of a covenant or other restriction on privately owned property on the island providing that, in the event of a mandatory evacuation, all occupants of the island shall be evacuated by private means.

Waste Water

The SAP prohibits wastewater treatment plants and septic tanks on Wisteria at the request of Florida Department of Environmental Protection ("DEP") staff. Wisteria's close proximity to the Key West and the Great White Heron National Wildlife Refuges and the National Marine Sanctuary makes the potential to build such systems undesirable, especially considering the relative adjacency of existing advanced wastewater treatment infrastructure on Sunset Key. Given the unique characteristics of Wisteria, connection to the Richard A. Heyman Environmental Pollution Control Facility, an advanced wastewater treatment system located on Fleming Key, provides an over-arching public benefit to the County's near shore water quality and the people of Monroe County.

Wetland Impacts

To preserve, protect and enhance wetland communities on Wisteria all development shall be designed to avoid and minimize impacts wetlands to the maximum extent practical. Any wetland impacts occurring on Wisteria Island shall be offset by mitigation on Wisteria Island or in the adjacent waters, in an amount required by Federal and State or other applicable permitting requirements. Additionally, to allow the "bridging" or connecting of the upland areas while minimizing wetland impacts, only pile-supported structures will be allowed in the mangrove wetland area "A" located on the SW end of the island.

Offshore island and tier system designation status

The SAP clarifies that Wisteria is not an Offshore Island as contemplated by the Comprehensive Plan and the Land Development Regulations. This clarification is necessary because offshore islands are not defined in the Comprehensive Plan. Unlike any other island in the County's jurisdiction, Wisteria is a disturbed spoil island with the following set of unique characteristics:

- a. Within or adjacent to a deepwater commercial port designated in F.S. Sec. 403.021(9)(b);
- b. Has access to water at least four (4) feet below mean sea level at low tide;
- c. Generally meeting the County's definition of disturbed lands;
- d. Located outside any Coastal Barrier Resource Area; and
- e. Located outside any National Wildlife Refuge.

Wisteria has no tier designation, nor does it meet the criteria, purpose, or intent of the system. Wisteria is a blighted, disturbed spoil island with no environmentally sensitive upland habitat types targeted or defined by the tier system.⁷ It is located within an existing densely developed deepwater, mixed use, commercial port and does not meet the criteria for tier I land acquisition or development right retirement for resource conservation.

Wisteria shall only be a receiver site for TDRs and TREs and shall not be eligible to compete in the ROGO allocation system for market-rate residential units.

⁷ Based on the Environmental Assessment by Consulting Engineering and Science, Inc., 2009; Port and Waterfront Use Compatibility Analysis by Trepanier & Associates, 2008; Keys-Wide Mooring Field System Preliminary Planning Document by Monroe County Department of Marine Resources, 2002; and "Existing Conditions Report" By Trepanier & Associates, Inc., 2010.


Authorization Form

I, ROGER M. BERNSTEIN, Director, F.E.B. Corp – A Florida Corporation,
Please Print Name of Director

authorize Trepanier & Associates, Inc. – A Florida Corporation, to be the representative for this

Future Land Use Map Designation Application and act on F.E.B. Corps behalf with regard to this

issue.

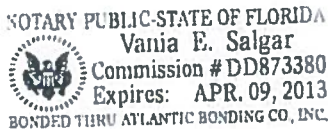

Signature of Director – F.E.B. Corp

Subscribed and sworn to (or affirmed) before me on November 1, 2009 (date) by

ROGER M. BERNSTEIN
Please Print Name of Affiant

He is personally known to me or has presented _____ X _____
as identification.


Notary's Signature and Seal



VANIA E. SALGAR Name of Acknowledger printed or stamped

NOTARY PUBLIC Title or Rank

DD 87 3380 Commission Number, if any

This Indenture, Made, this 26th day of JANUARY
BETWEEN WISTERIA ISLAND, INC.,

A. D. 1967.

a corporation
existing under the laws of the State of Florida, having its principal place of
business in the County of Monroe and State of Florida,
and lawfully authorized to transact business in the State of Florida, party of the first part, and
FEB CORPORATION, a Florida corporation, 1526 Washington St.,
Key West, Florida,
a corporation existing under the laws of the State of Florida, having its
principal place of business in the County of Monroe and State of Florida,
and lawfully authorized to transact business in the State of Florida, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of
TEN DOLLARS and other good and valuable considerations ~~EXTEND~~
to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged,
has granted, bargained and sold to the said party of the second part, its successors and assigns forever,
the following described land situate, lying and being in the County of Monroe
and State of Florida, to-wit:

A parcel of Bay Bottom Land and Spoil Area Northwest of
the Island of Key West, Florida, and more particularly
described as follows:
Commencing at the Northwesterly end of Simonton Street
at the intersection of the Southwesterly right-of-way
line of Simonton Street and the waters of the Bay of
Florida, run North 60° West for a distance of 2,150 feet,
more or less, to the point of beginning of the property
hereinafter described. From said point of beginning,
continue North 60° West for a distance of 1,000 feet;
thence run North 30° East for a distance of 1,700 feet;
thence run South 60° East for a distance of 1,000 feet;
thence run South 30° West for a distance of 1,700 feet
back to the point of beginning.

Subject to conditions, restrictions, easements and limitations
of record.

Subject to taxes for the year 1966 and subsequent years.

Subject to a purchase money mortgage.

Subject to those certain reservations unto the Trustees of
the Internal Improvement Fund as reserved in deed filed for
record March 15th, 1956, in Official Record Book 58, Page 4,
Public Records of Monroe County, Florida

And the said party of the first part does hereby fully warrant the title to said land, and will defend the
same against the lawful claims of all persons whomsoever.

FILED FOR RECORD
1967 FEB-2 AM 11:08
S. R. MOORE, CLERK OF CIR.
MONROE COUNTY, FLORIDA

its name by its officers, and its corporate seal to be affixed, attested Secretary, the day and year above written.

Attest: Jack A. Davis By Amaryk Aldo
Secretary. President.

Signed, sealed and delivered in the presence of us:

James C. Bradley

State of Florida,

County of MONROE

I Hereby Certify, that on this 26th day of January

A. D. 19 , before me personally appeared AMARYK ALDO

and JACK A. DAVIS,

President and Secretary respectively of

WISTERIA ISLAND, INC.,

a corporation under the laws of

the State of Florida, to me known to be the persons who signed the foregoing instrument as such officers and severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that they affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

Witness my hand and official seal at TAVENICE

in the County of Monroe

and State of Florida

the day and year last aforesaid.

James C. Bradley (Seal)

145570

Recorded in Official Record Book
Monroe County, Florida
EAST R. ADAMS
CLERK OF CIRCUIT COURT
RECORDS SECTION

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES FEB. 17, 1963
BONDS THROUGH PAGE 15, DISTRICT 10



RAMCOS FORM 351
Warranty Book
(FROM CORPORATION TO CORPORATION)
FROM

Recording 3.26
Slide Stamp 465.00
Fed Stamp 176.10
Total 639.75

Bill public

1-526 432

14751

STATE OF FLORIDA
BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND

DEED NO. 24678 (1975-44)

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, the State of Florida Board of Trustees of the Internal Improvement Trust Fund, under authority of law, for and in consideration of the sum of FORTY ONE THOUSAND NINE HUNDRED ONE AND 60/100ths (\$41,901.60) DOLLARS, to it in hand paid, has granted, bargained and sold, and does by these presents grant, bargain, sell and convey, unto F.E.B. CORPORATION of the County of Monroe, State of Florida, and its successors, heirs and assigns, the following described lands, to-wit:

A tract of submerged land in the Bay of Florida in Township 67 South, Range 25 East, lying Northwest of the Island of Key West, Monroe County, Florida; being more particularly described as follows by metes and bounds, said description containing coordinates and grid bearing based upon the Standard Plane Rectangular Coordinate System for the East Zone of Florida:

Commencing at the Northeast corner of land described in T.I.I.F. Deed No. 19974 and known as "Wisteria Island", said point also being (X=231,226.04' and Y=86,178.97'); thence from said Point of Beginning, run North 30° 00' 00" East, 1,315 feet to a point of curve, said point also being (X=231,853.54' and Y=87,317.79'); thence run Northerly and Northwesterly along a curve, concave to the Southwest, (said curve having a Long Chord bearing of North 32° 48' 00" West, a central angle of 55° 00' 00" and a radius of 3,310 feet) an arc distance of 3,177.38 feet to the end of said curve, said point also being (X=230,227.66' and Y=89,887.22'); thence run South 19° 22' 00" West, 1,983.43 feet to a point, said point also being (X=228,959.61' and Y=88,353.82'); thence run South 62° 52' 00" West, 459.97 feet to a point, said point also being (X=228,560.26' and Y=88,144.04'); thence run South 27° 08' 00" East, 200 feet to a point, said point also being (X=228,651.47' and Y=87,966.05'); thence run North 62° 52' 00" East, 700 feet to a point of curve, said point also being (X=229,274.43' and Y=88,285.29'); thence from said point of curve run Northeasterly and Southeasterly along a curve, (said curve having a central angle of 90° and a radius of 400 feet) and arc distance of 628.32 feet to the end of said curve, said point also being (X=229,812.84' and Y=88,111.75'); thence run South 27° 08' 00" East, 1,218.87 feet to a point of curve, said point also being (X=230,368.72' and Y=87,027.02'); thence from said point of curve run Southeasterly and Southwesterly along a curve, (said curve having a central angle of 57° 08' 00" and a radius of 364.05 feet) an arc distance of 363.02 feet to the end of said curve and the Northwesterly corner of land described in said T.I.I.F. Deed No. 19974, said point also being (X=230,360.01' and Y=86,678.97'); thence run South 60° 00' 00" East, along the Northerly line of said land described in T.I.I.F. Deed No. 19974, a distance of 1,000 feet back to the Point of Beginning;

LEGAL DESCRIPTION APPROVED
AND
THIS INSTRUMENT WAS PREPARED BY
JOHN DUBOSE
ELLIOT BUNDING
TALLAHASSEE, FLORIDA 32304

50011

RETRACT NO.

(CONTINUED)

19
page 000008

526 433

containing 125.05 acres more or less, and lying and being in the County of Monroe, in said State of Florida.

TO HAVE AND TO HOLD the above granted and described premises forever.

SAVING AND RESERVING unto the said State of Florida Board of Trustees of the Internal Improvement Trust Fund and its successors, an undivided three-fourths interest in, and title in and to, an undivided three-fourths interest in all the phosphate, minerals and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same.

IN TESTIMONY WHEREOF, the members of the State of Florida Board of Trustees of the Internal Improvement Trust Fund have hereunto subscribed their names and have caused the official seal of said State of Florida Board of Trustees of the Internal Improvement Trust Fund to be hereunto affixed, in the City of Tallahassee, Florida, on this the 15th day of December, A.D., 1972.

(SEAL)
STATE OF FLORIDA BOARD
OF TRUSTEES OF THE
INTERNAL IMPROVEMENT
TRUST FUND

Paul D. Linder
GOVERNOR

Richard D. Stone
SECRETARY OF STATE

Robert S. DeLoach
ATTORNEY GENERAL

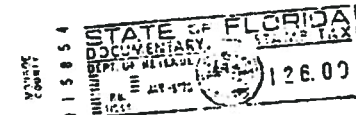
Frederick D. Russell
COMPTROLLER

Thomas W. Pinelley
TREASURER

David T. Christian
COMMISSIONER OF EDUCATION

Ed C. Conner
COMMISSIONER OF AGRICULTURE

As and Constituting the
STATE OF FLORIDA BOARD OF TRUSTEES OF
THE INTERNAL IMPROVEMENT TRUST FUND



Deed No. 24678 (1975-44)

50011

14751

RECORDED IN OFFICIAL RECORDS BOOK
MONROE COUNTY, FLORIDA
PAGE 12 OF 12
RECORD NUMBER

page 200009

ABSTRACT NO.

XXX

PAGE

Monroe County Property Record Card (133)

Alternate Key: 1158089 Roll Year 2010
Effective Date: 11/2/2009 9:11:54 AM Run: 11/02/2009 09:12 AM

FEB CORP

PO BOX 2455
KEY WEST FL 33041-2455

Parcel 00123950-000000-36-67-24 Nbhd 670
Alt Key 1158089 Mill Group 5000
Affordable Housing No PC 9900
FEMA Injunction ALL
Inspect Date Next Review
Business Name
Physical Addr ISLAND, WISTERIA ISLAND, OFFSHORE ISLANDS

Associated Names

| Name | DBA | Role |
|-----------|-----|-------|
| FEB CORP, | | Owner |

Legal Description

WISTERIA ISLAND & ADJ BAY BTM OR385-897-898

Land Data 1.

| Line ID | Use | Front | Depth | Notes | # Units | Type | SOH % | Rate | Depth | Loc | Shp | Phys | Class | ROGO | Class Value | Just Value |
|------------------|------|-------|-------|-------|---------|------|-------|------|-------|------|------|------|-------|------|-------------|------------|
| 17891 | 000W | 0 | 0 | No | 23.41 | AC | 0.00 | | 1.00 | 1.00 | 1.00 | 1.00 | | N | | |
| 17892 | 9500 | 0 | 0 | No | 15.59 | AC | 0.00 | | 1.00 | 1.00 | 1.00 | 1.00 | | N | | |
| Total Just Value | | | | | | | | | | | | | | | | |

Appraiser Notes

LAND REVIEW FOR 09TR; LAND OVER 10 AC. AND ZONED OS = 000W LAND LINE. ISLAND ON FEMA LIST (DEVALUED),NL108

2007-02-02- THE LIGHTHOUSE TENDER WISTERIA WAS ABANDONED ON THE ISLAND THAT BEARS ITS NAME WAS SOLD TO BEM BERNSTEIN IN 1967 FOR \$155,000-SKI
2007-04-19-SKI- THE CITY IS LOOKING TO ANNEX THIS ISLAND

Monroe County Property Record Card (133)

Alternate Key: 1158089 Roll Year 2010
Effective Date: 11/2/2009 9:11:54 AM Run: 11/02/2009 09:12 AM

Value History

| Tax Year | Val Meth | Just Land | Class Land | Building | Misc | Just | Assessed Value | Exempt | Sr Ex | Tax Value |
|----------|----------|-----------|------------|----------|------|---------|----------------|--------|-------|-----------|
| 2009F | C | 141,395 | 0 | 0 | 0 | 141,395 | 141,395 | 0 | N | 141,395 |
| 2008F | C | 141,395 | 0 | 0 | 0 | 141,395 | 141,395 | 0 | N | 141,395 |
| 2007F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | N | 235,659 |
| 2006F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | N | 235,659 |
| 2005F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | N | 235,659 |
| 2004F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | N | 235,659 |
| 2003F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | N | 235,659 |
| 2002F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 2001F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 2000F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 1999F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 1998F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 1997F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 1996F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 1995F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 1994F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 1993F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 1992F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 1991F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 1990F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 1989F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 1988F | C | 235,659 | 0 | 0 | 0 | 235,659 | 235,659 | 0 | | 235,659 |
| 1987F | C | 697,343 | 0 | 0 | 0 | 697,343 | 697,343 | 0 | | 697,343 |
| 1986F | C | 697,343 | 0 | 0 | 0 | 697,343 | 697,343 | 0 | | 697,343 |
| 1985F | C | 697,343 | 0 | 0 | 0 | 697,343 | 697,343 | 0 | | 697,343 |
| 1984F | C | 697,343 | 0 | 0 | 0 | 697,343 | 697,343 | 0 | | 697,343 |
| 1983F | C | 697,343 | 0 | 0 | 0 | 697,343 | 697,343 | 0 | | 697,343 |
| 1982F | C | 633,949 | 0 | 0 | 0 | 633,949 | 633,949 | 0 | | 633,949 |

Monroe County Property Record Card (023)

Alternate Key: 1158097 Roll Year 2010
Effective Date: 11/9/2009 8:34:17 AM Run: 11/09/2009 08:34 AM

FEB CORP

P O BOX 2455
KEY WEST FL 33040

Parcel 00123960-000000-36-67-24 Nbhd 670
Alt Key 1158097 Mill Group 5000
Affordable Housing No PC 9500
FEMA Injunction ALL
Inspect Date Next Review
Business Name
Physical Addr VACANT LAND, OFFSHORE ISLANDS

Associated Names

| Name | DBA | Role |
|-----------|-----|-------|
| FEB CORP, | | Owner |

Legal Description

BAY BOTTOM ADJ TO WISTERIA ISLAND II DEED 24678 OR526-432

Land Data 1.

| Line ID | Use | Front | Depth | Notes | # Units | Type | SOH % | Rate | Depth | Loc | Shp | Phys | Class | ROGO | Class Value | Just Value |
|------------------|------|-------|-------|-------|---------|------|-------|------|-------|------|------|------|-------|------|-------------|------------|
| 17893 | 9500 | 0 | 0 | Yes | 125.05 | AC | 0.00 | | 1.00 | 1.00 | 1.00 | 1.00 | | N | | |
| Total Just Value | | | | | | | | | | | | | | | | |

Monroe County Property Record Card (023)

Alternate Key: 1158097

Roll Year 2010

Effective Date: 11/9/2009 8:34:17 AM Run: 11/09/2009 08:34 AM

Value History

| Tax Year | Val Meth | Just Land | Class Land | Building | Misc | Just | Assessed Value | Exempt | Sr Ex | Tax Value |
|----------|----------|-----------|------------|----------|------|--------|----------------|--------|-------|-----------|
| 2009F | C | 12,505 | 0 | 0 | 0 | 12,505 | 12,505 | 0 | N | 12,505 |
| 2008F | C | 12,505 | 0 | 0 | 0 | 12,505 | 12,505 | 0 | N | 12,505 |
| 2007F | C | 12,505 | 0 | 0 | 0 | 12,505 | 12,505 | 0 | N | 12,505 |
| 2006F | C | 12,505 | 0 | 0 | 0 | 12,505 | 12,505 | 0 | N | 12,505 |
| 2005F | C | 12,505 | 0 | 0 | 0 | 12,505 | 12,505 | 0 | N | 12,505 |
| 2004F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | N | 12,505 |
| 2003F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 2002F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 2001F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 2000F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 1999F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 1998F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 1997F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 1996F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 1995F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 1994F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 1993F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 1992F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 1991F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 1990F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 1989F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 1988F | C | 12,505 | | 0 | 0 | 12,505 | 12,505 | 0 | | 12,505 |
| 1987F | C | 21,719 | | 0 | 0 | 21,719 | 21,719 | 0 | | 21,719 |
| 1986F | C | 46,719 | | 0 | 0 | 46,719 | 46,719 | 25,000 | | 21,719 |
| 1985F | C | 46,719 | | 0 | 0 | 46,719 | 46,719 | 25,000 | | 21,719 |
| 1984F | C | 46,719 | | 0 | 0 | 46,719 | 46,719 | 25,000 | | 21,719 |
| 1983F | C | 46,719 | | 0 | 0 | 46,719 | 46,719 | 25,000 | | 21,719 |
| 1982F | C | 46,719 | | 0 | 0 | 46,719 | 46,719 | 25,000 | | 21,719 |

Legend
Road Centerlines
Water Names
Parcels
Shoreline

PALMIS

Monroe County Property Appraiser
 500 Whitehead Street
 Key West, FL

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose.

Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and may not be relied on for any other purpose.

Date Created: November 2, 20

Location Map from Monroe County Property Appraiser



- Legend**
- theBuffer
 - theBufferTarget
 - Lot Lines
 - Easements
 - Road Centerlines
 - Water Names
 - Parcels
 - Shoreline
 - Section Lines

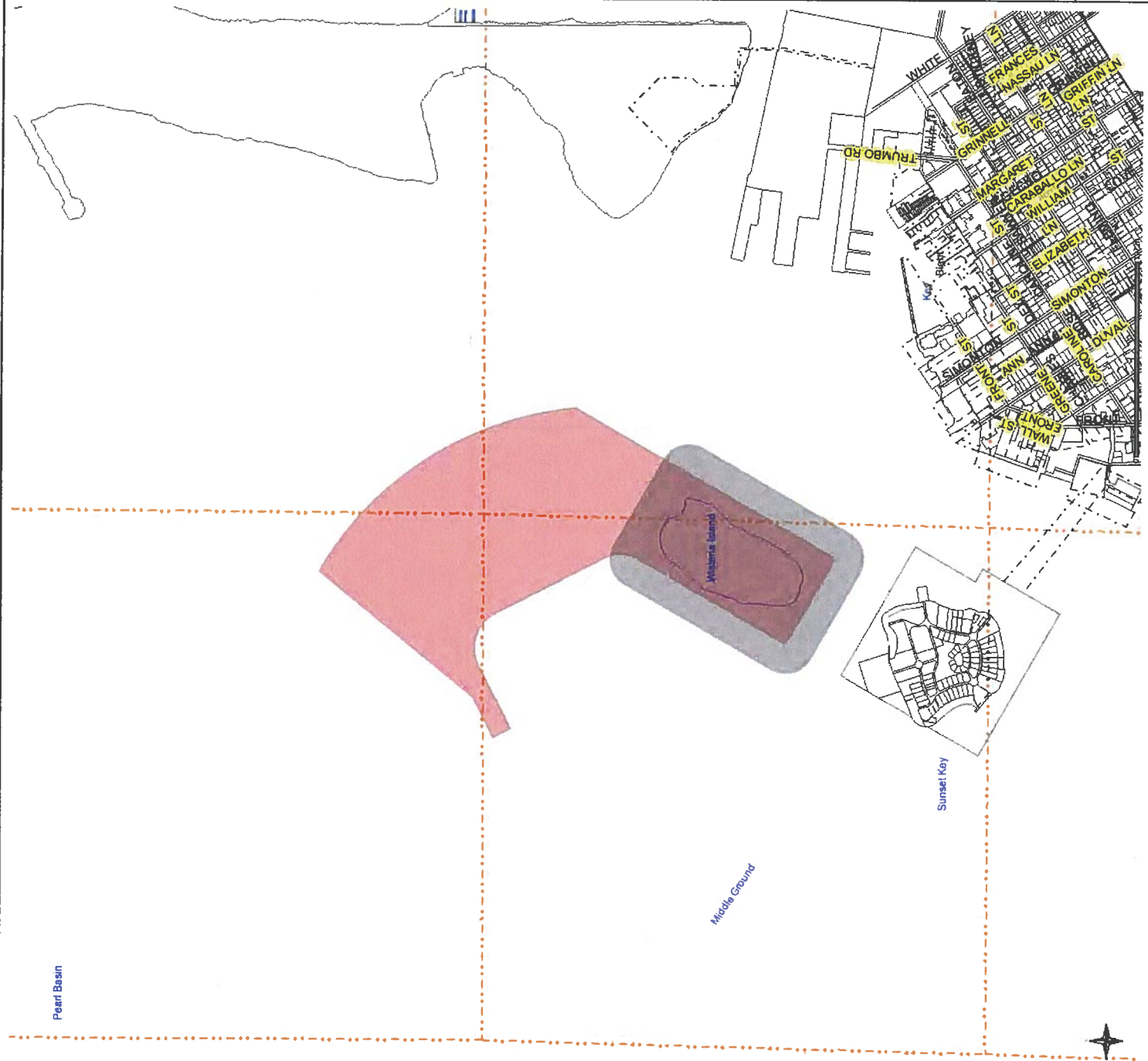
PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

300-Foot Radius Map
from Monroe County
Property Appraiser Office

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibilities for the valuation for ad valorem tax purposes of the County. The Monroe County Property Appraiser cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding the location of any property or subsequent changes to the data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and is not to be relied on for any other purpose.

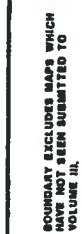
Date Created: November



Wisteria FLUM Designation Application – 300 Foot Radius Owner List

123960
FEB CORP
P O BOX 2455
KEY WEST, FL 33040

123950
FEB CORP
PO BOX 2455
KEY WEST, FL 33041-2455



Port and Waterfront Use Compatibility Analysis

Study Area:
Key West Bight

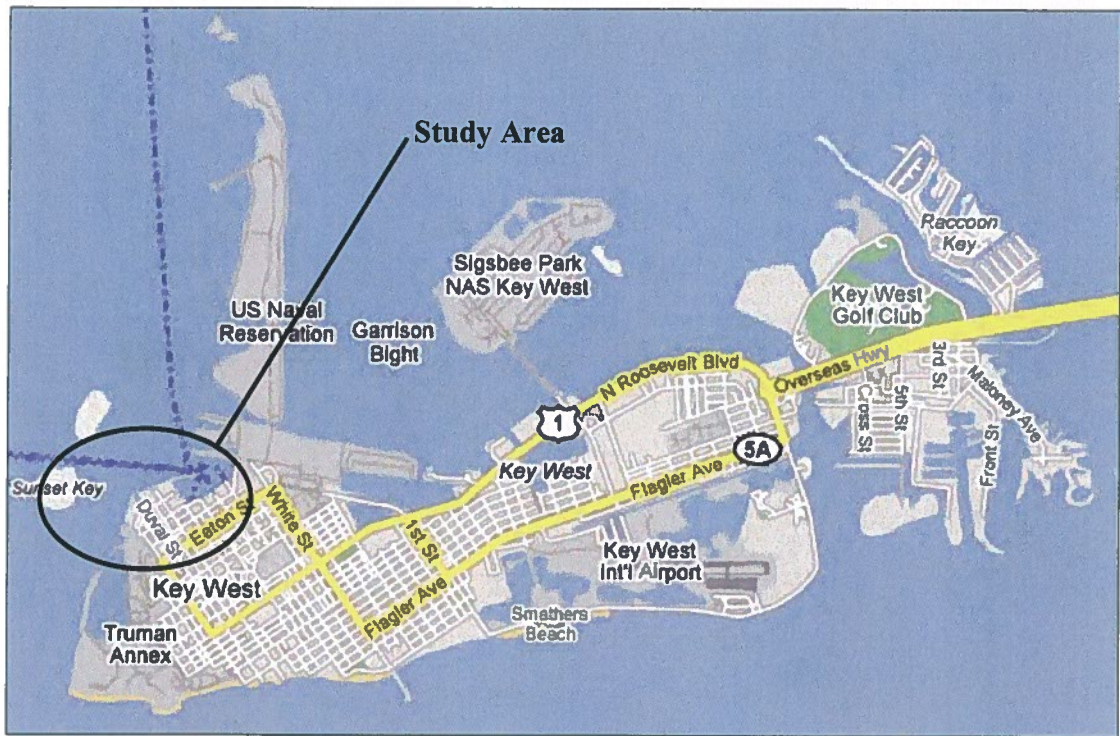
TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

August 21, 2008

STUDY LOCATION



Data:

Data from the Monroe County Property Appraiser’s Office, Monroe County Clerk’s Office, and City of Key West were used in this study.

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KEY WEST BIGHT

HISTORY:

Key West's natural deep water harbor originally made the island an important port in the United States fight against piracy. Over time development of the port made Key West the wealthiest town in Florida. The Bight served as an international trade port for the wrecking industry, the shipping industry between the United States and Cuba, the natural resource harvest industry, the US Military, and the yachting community.

The Port transitioned from a sailing port to steam engines and eventually to petroleum powered vessels. Today the Bight is a recreational and commercial working waterfront catering to locals, tourists and the yachting community.

The last of the non-military heavy industrial uses were eliminated as a result of changing market forces in the 1970s. In the mid '80s the Bight property went up for sale, the City of Key West purchased the property and has guided the redevelopment of the Bight to the mixed use, high intensity commercial oriented district it is today.

The port has been home to a wide variety of simultaneous uses since its inception. The varied land uses and conditions have coexisted in relative proximity to each other in a stable fashion. The primary impact on the port's indigenous mix of uses has been economic forces. No use or condition was found to have unduly negatively impacted directly or indirectly another use or condition in the port.

ANALYSIS:

In the City of Key West, approximately 174 acres around the Key West Bight were studied (containing approximately 88 acres of upland and 86 acres of bay bottom). The

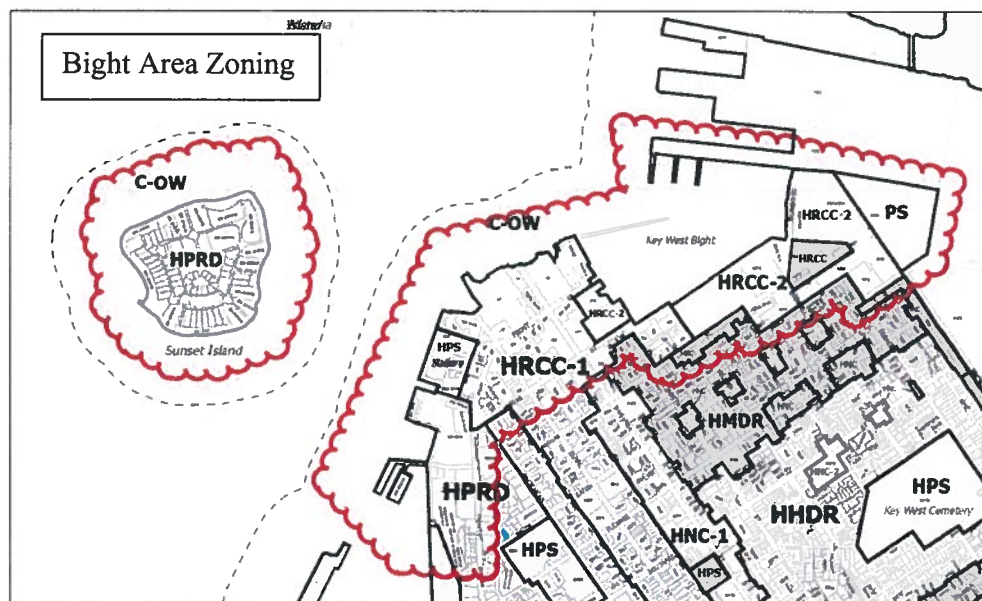


Bight is a mixed use area consisting of the following: heavy industrial military installations; vessel dockage/ marinas (commercial, recreational, institutional and live aboard); marina-related and non-marina-related hotels, commercial (retail, restaurant, service), and non-transient housing (affordable and market-rate). The area of focus for this study consists of the Bight area proper and its adjacent properties (as depicted below).

Zoning:

The Bight study area spans 10 zoning districts:

- Conservation – Open Water (“C-OW”)
- Military (“M”)
- Historic Residential Commercial Core (“HRCC”)
- Historic Residential Commercial Core - 1 (“HRCC-1”)
- Historic Residential Commercial Core - 2 (“HRCC-2”)
- Historic Medium Density Residential (“HMDR”)
- Historic Planned Redevelopment (“HPRD”)
- Historic Public Service (“HPS”)
- Public Service (“PS”)
- Historic Neighborhood Commercial (“HNC”)



Permitted Uses:

- Adult entertainment establishments
- Business and professional offices
- Cemeteries
- Commercial retail low and medium intensity
- Commercial retail high intensity
- Community centers, clubs, and lodges
- Educational institutions and day care
- Group homes
- Hospitals and extensive care
- Hotels, motels, and transient lodging
- Medical services
- Multiple-family residential dwellings

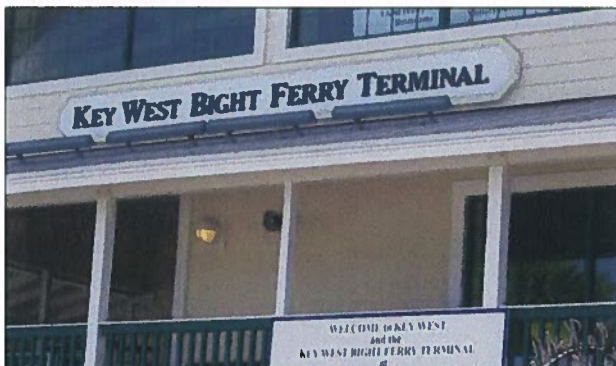
- Nursing homes, rest homes and convalescent homes
- Parking lots and facilities
- Parks and recreation, active and passive
- Places of worship
- Restaurants, excluding drive-through
- Single-family and two-family residential dwellings
- Veterinary medical services

Existing Uses:

The existing uses within the Bight area consist of the following:

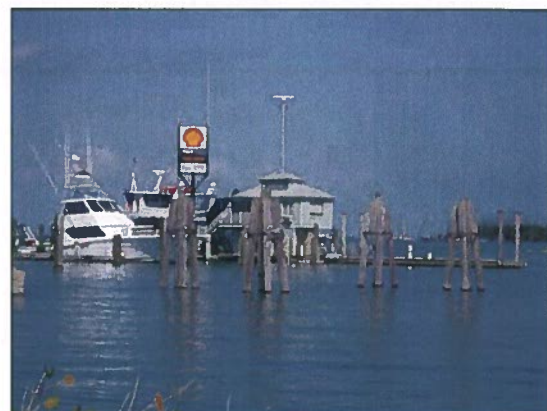


- Adult entertainment establishments
- Affordable Housing
- Bars & Lounges
- Business and professional offices



- Commercial retail low and medium intensity
- Commercial retail high intensity
- Community centers, clubs, and lodges
- Educational institutions and day care
- Ferries & Ferry Terminals
- Fuel Stations
- Transient lodging

- Luxury Waterfront Condos
- Marinas
- Military Industry
- Multiple-family residential dwellings
- Parking lots and facilities
- Parks and recreation - active and passive
- Restaurants
- RV Park (Military)
- Single-family and two-family residential dwellings



Density (units per acre)

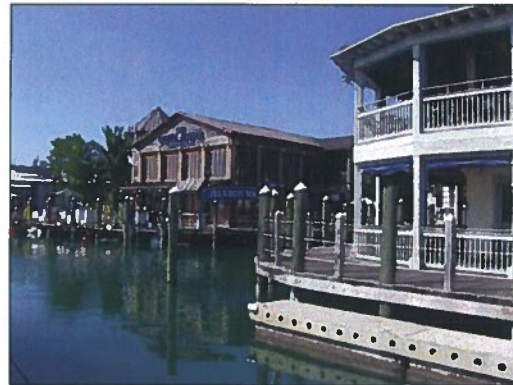
The Bight area has the highest permitted and actual densities in the city. The permitted density varies between 22 units per acre and zero units per acre. The actual average density of residentially used, or mixed use parcels is 44 units per acre; with spikes as high as 96 and 69 units per acre.



Residential uses are permitted uses in all zoning districts that make up the Bight area. 85% (864 units) of the residential units are transient; all the transient units are located within hotels/ resorts, 76% of which are associated with publicly accessible marinas and/ or waterfront. 12% of the units are affordable (125 units) and the remaining 24 units are market-rate condos and apartments.

Intensity (Floor Area Ratio “FAR”)

The maximum FAR for the bight area is 1.0. The range of FAR is between 0.5 (HRCC district) and 1.0 (HRCC-1 district). The average actual FAR in the Bight area is 0.7, with spikes as high as 2.8 and 1.9.



Existing Development Threshold “EDT”

The EDT is measured as a ratio of the cumulative percentage of the actual density and intensity developed on a site versus the permitted density and intensity. If the ratio is less than 100%, there is development potential on the site. If the EDT exceeds 100%, then the site exceeds its maximum permitted density and intensity.

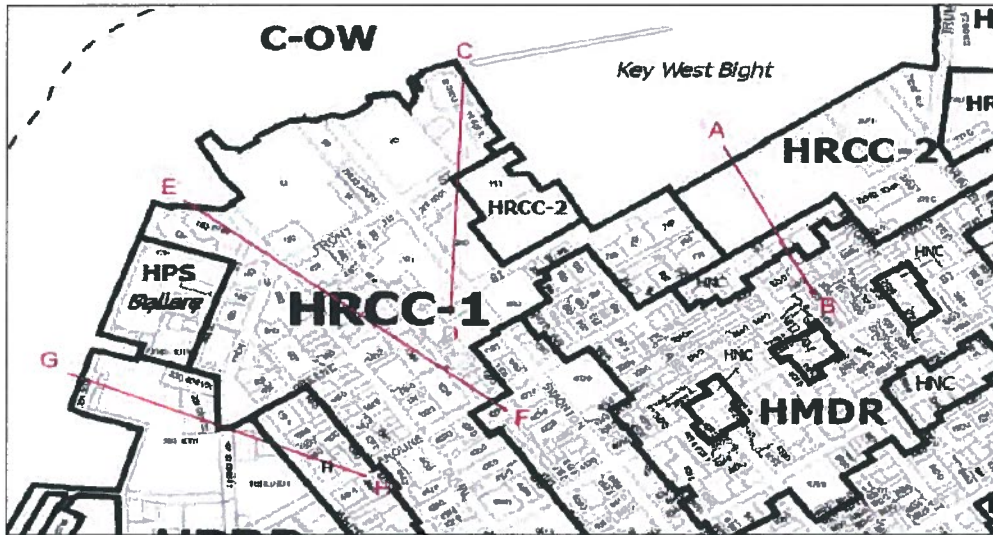


The average existing EDT at the Bight is 272%¹. That is the average level of development rights exercised at the Bight which exceeds the level allowed under current code by 172%. There are individual properties that exceed permitted development thresholds by as much as 1,336%.

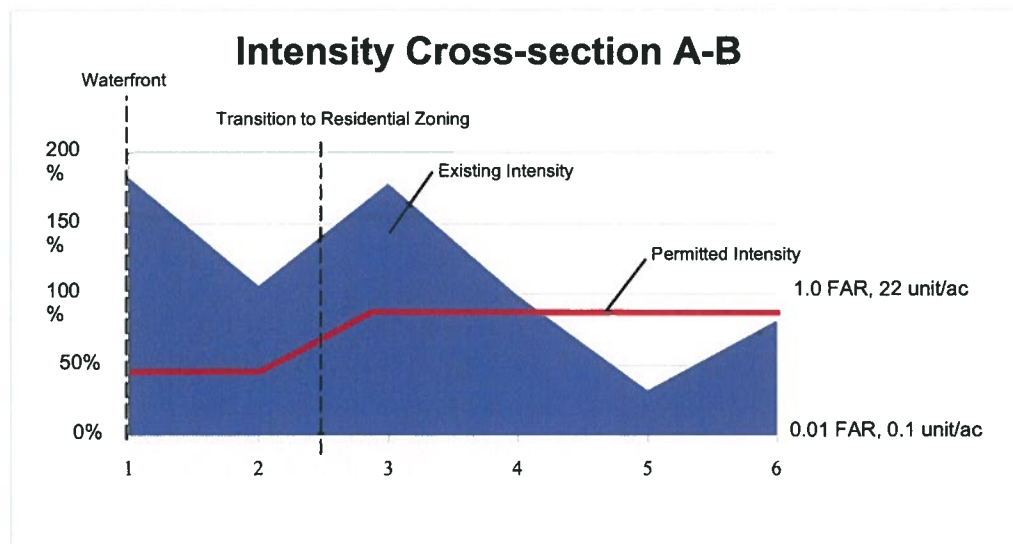
¹ Excluding the Porter Place Housing Project. Porter Place exceeds density by approximately 9,000% and thus severely skews the results.

Intensity Transects

Transects were analyzed in terms of density and intensity. The base analysis is the permitted intensity under the respective zoning districts. The transect data was displayed in following charts. The existing intensity reflects the actual intensity of the properties through which the transect moves. The transects reveal that the intensity of the Bight area is highest adjacent to the waterfront and decreases dramatically with the increase in distance from the waterfront.



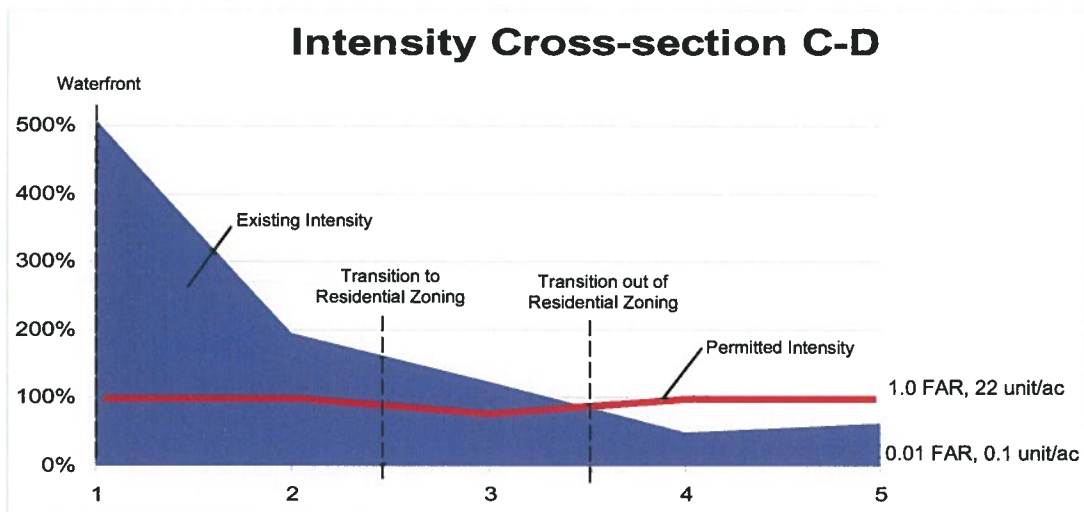
The A-B transect stretches from the waterfront at Waterfront Market to the edge of the study area and into the residential district. The transect passes through six properties and three zoning districts and various uses (waterfront oriented commercial, neighborhood commercial, and residential). The following chart shows the actual change in intensity from point “A” at the waterfront to point “B” in the residential district, and the change in permitted intensity along the same line.



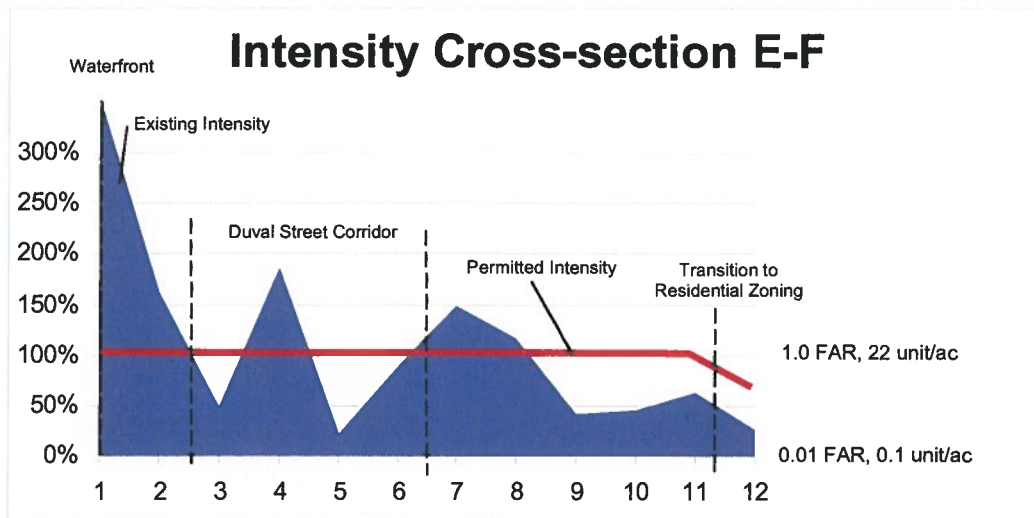
Transect A-B shows marked decrease in intensity as it moves away from the waterfront. The intensity at the waterfront is approximately 300% of that which is permitted by the current code. As the distance from the water increases, the intensity decreases dramatically until eventually dropping below the maximum permitted levels.

Transect C-D stretches from the waterfront at the Galleon to the edge of the study area. The transect passes through five properties, two zoning districts, hotels, restaurants, bars, and retail. The following chart shows the change in actual intensity from point “C” at the waterfront to point “D” at Greene Street, as well as the change in permitted intensity along the same line.

Transect C-D again reveals the pattern of high intensity adjacent to the waterfront (in the case exceeding permitted intensity by 400%). As the transect moves away from the water intensity decrease nearly linearly until eventually dropping well below the maximum permitted intensity.

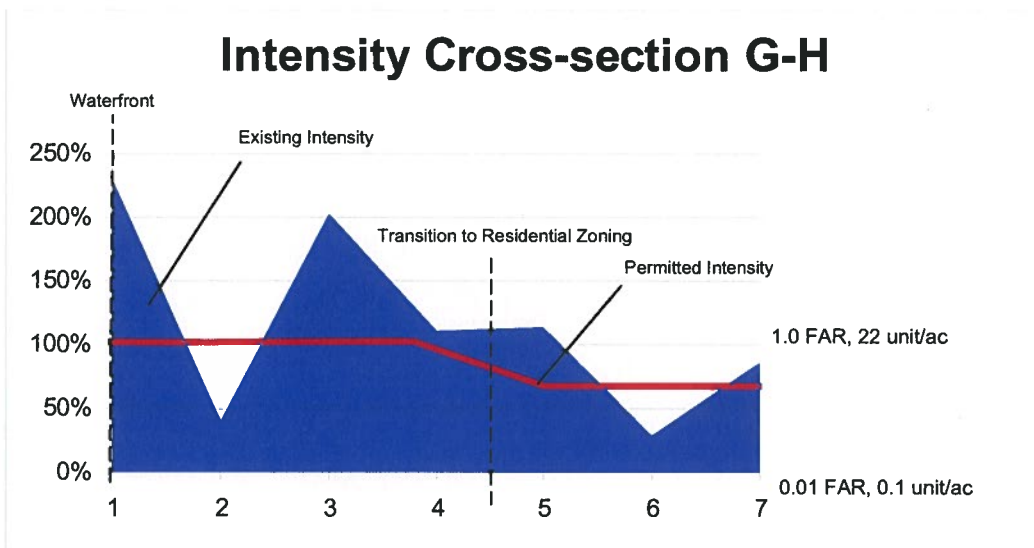


Transect E-F stretches from the waterfront at the Ocean Key House to the edge of the study area. The transect passes through twelve properties, two zoning district, hotels restaurants, bars, retail, government offices, and residential. The following chart shows the change in actual intensity from point “E” at the waterfront to point “F” in the residential area, as well as the change in permitted intensity along the same line.



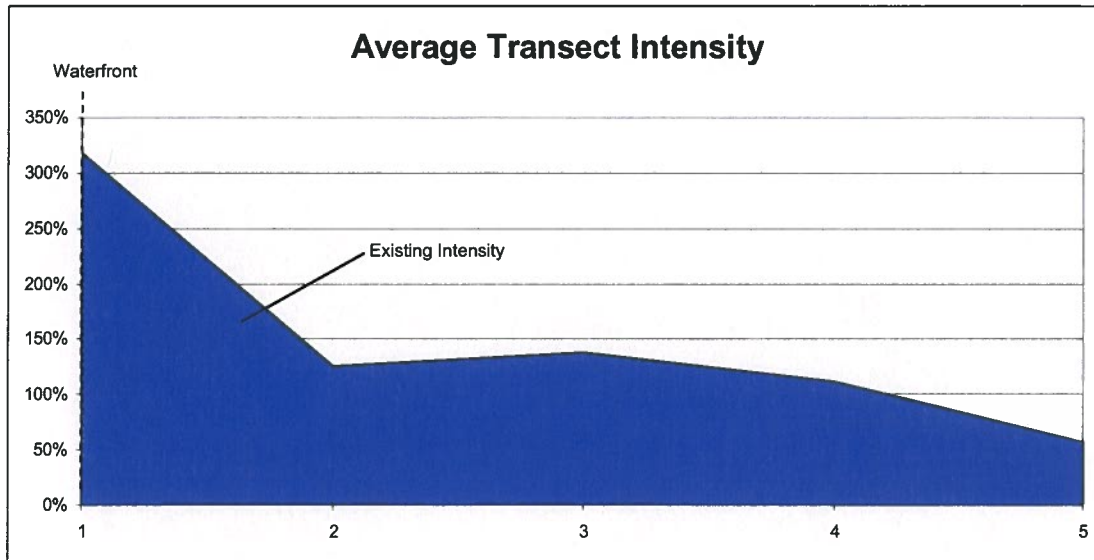
Transect E-F again shows high intensity adjacent to the waterfront. This transect crosses Duval Street which is also revealed to have high intensity, though not nearly as high as the waterfront. The intensity then drops off as the transect moves into the residential district.

Transect G-H stretches from the waterfront at the Westin Resort to the edge of the study area. The transect passes through seven properties, two zoning districts, hotels, retail, and residential. The following chart show the change in actual intensity from point “g” at the waterfront to point “H”, as well as the change in permitted intensity.



Transect G-H continues to demonstrate the overall trend we have seen in the above transects. Intensity is highest adjacent to the waterfront, many times that which is permitted by current code, and overall intensity decreases as distance from the water increases.

The following graph demonstrates the average intensity of all transects. The average clearly demonstrates the high intensity adjacent to the waterfront and the decrease related to distance from the water.



Regulatory Review

32% of the Bight study area properties analyzed in this report have been the recipient of recent City of Key West and Department of Community Affairs (“DCA”) reviews and approvals for various activities including Development Plan approvals, shoreline and Coastal Construction Control Line variances, and settlement agreements. One project resulted in permanent housing adjacent to the waterfront. The project required a Comprehensive Plan Amendment, Zoning Amendments, and development plan approvals, all of which were reviewed and approved by the DCA².



Compatibility

The Key West Bight is a vibrant activity center with heavy pedestrian traffic. The mixed use nature permits the maximum activity opportunity with minimum transportation needs. Within the bight area residents and visitors are able to moor vessels, park vehicles, lodge in adjacent establishments, purchase fuel, groceries and fresh seafood, perform banking, legal and other professional business operations, engage in tourist activities, dine and drink in adjacent restaurants and bars, obtain minor vessel repairs, parts and service.



Economy of Scale

The existing level of densities and intensities permits an economy of scale that creates synergistic effects between the uses. Seemingly incompatible uses such as commercial fishing and high end dining establishments actually complement each other. We found tourists and locals gathering around the commercial fisherman as they unloaded catch or cleaned fish along the docks. The tourists found the processes interesting and the resulting waterside activity when fish remains were fed to Tarpon, Snapper, Permit and Mullet that were fascinating to the onlookers. Diners commented how fresh the seafood they were eating was, as they watched catch being unloaded and transported into restaurants and grocers.

² Railway Apartments and The Steam Plant

The economy of scale has also allowed the Bight to be sewage-free for many years, prior to most other Keys ports. All the docks provide pump to state of the art sewage treatment, drastically improving water quality.

Spatial Segregation

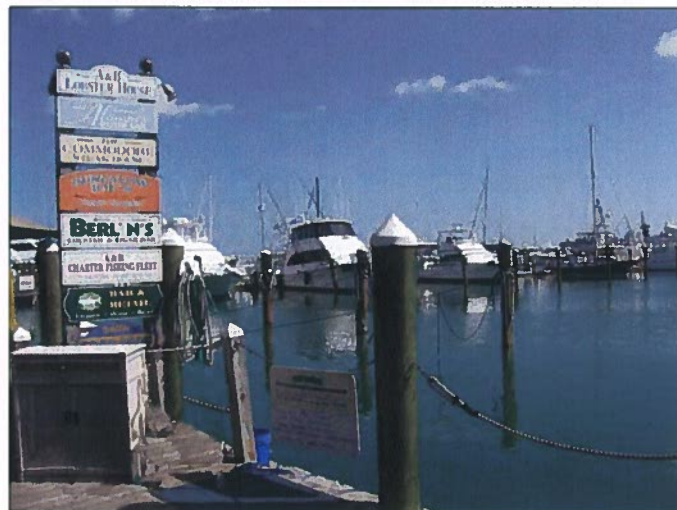
Compatibility is also promoted through spatial segregation and gradation of various uses. The Military Industrial activities occurring in the Bight are spatially segregated from the civilian activities, on both land- and water-side. Larger commercial vessels (ferries & tug boats) are also segregated from the smaller scale commercial and recreational vessels. The large commercial vessels (ferries) are docked most closely to the Military operations, with the landside public boardwalks and walkways partially obstructed to insure transportation security. At the points of obstruction, the walkways are diverted around the secure areas and allowed to resume on the other side.



Other uses are segregated to enhance compatibility. The more upscale yachting-type docks are often access restricted to prevent non-boat owners and guests from accessing the actual vessel dockage. In these cases the boardwalk proceeds unobstructed, but the docking piers permit only authorized persons to access them. In this way, the general public may have full access to the waterfront, but not have access to individual vessels. Additionally, there is the large center pier for public access whereon the historic turtle kraals and the turtling museum is located. Access to this pier allows the non-boat owning visitors to not only access the water-side of the bight, but to also view the Bight's land-side from the water.

Educational Opportunities

The scale and variety of uses combined at the waterfront creates significant educational opportunities for the public. The Bight has educational signage and exhibitions for commercial and recreational fishing, near shore water quality, storm water management, marine safety, environmental awareness, reef protection and restoration, boater safety, sea grass protection and restoration, Transportation Safety Administration, manatee protection, historical significance of the Bight, and historic seafood harvesting. The many complementary and synergistic uses create spatial relationships that the educational and regulatory agencies exploit to educate the Bight visitors about critical issues. If the economy of scale and



variety of uses were not located at the Bight the effectiveness of these educational opportunities would be drastically less effective.

Other Considerations:

During this study of the Key West Bight, two other issues emerged: The loss of transient units and the need for affordable housing.

Loss of Transient Units

The Key West Bight is a microcosm of the Keys as a whole and like the Keys, the Study area has lost a significant number of transient units. Of the several hundred transient units located within the Bight Study Area the Bight lost 96 units in the last six years. The 96-unit Jabours RV Park was taken offline for redevelopment approximately 5 years ago. The park consisted of hotel-type units, RV spaces, and camp sites. The redevelopment plan was approved for 38 units. The project has run into financial issues and all work has subsequently stopped. If the project is completed the Bight Study area will lose 58 transient units, however, as of today the Bight study area has lost 96 transient units.

Transient unit loss at the Bight is symptomatic of the loss occurring throughout the Keys. According to Monroe County Tourist Development Council studies, the Keys have experienced a loss of 2,530 units due to abandonment, disasters, nonconformity clauses in the Comprehensive Plans, and redevelopment³.

Affordable Housing

Several affordable housing projects exist in and around the Bight. There is public housing, small individual workforce units above shops and offices, and the most recent project, the Railway Apartments, is adjacent to the waterfront and was completed in May, 2008. It had only two vacancies by the end of June. The rapid construction and occupation of the affordable units demonstrates the tremendous need for such housing in and around the employment centers and in this case within the Bight area itself.

According to the 2007 Florida International University study⁴ "Monroe County, Florida Affordable Housing Needs Assessment" Monroe County has lost 5% (2,024) of its workforce since 2000 due to a lack of available affordable housing. At the same time the County lost 16% (2,058) of its rental units primarily to the second home market.

According to the study, the highest demand for housing exists in and adjacent to Key West. By placing workforce housing in the same location as employment and entertainment, the cost of living is further reduced by eliminating travel costs.

Given the mixed use nature of the Bight and the trip generation effects the Bight has as a destination, tourist and workforce accommodations within the Bight have a synergistic

³ "Transient Unit Loss in the Florida Keys", a 2008 study by Trepanier & Associates

⁴ Please see attached.

effect. They put the customers and the workers of the destination in the destination, thereby reducing trip generation and congestion.

Key West Bight Conclusions

The Bight has a wide variety of uses which are made compatible through specific strategies of spatial segregation and gradation. Uses are segregated according to the relative impacts and security requirements. All uses are visually accessible with no apparent segregation. The segregation and gradation allows what may appear to be incompatible uses to not only be compatible but synergistic. The varied land uses and conditions were found to coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition, as defined in 9J-5.003(23) of the Florida Administrative Code.

The Bight has average density and intensity levels double that of the highest permitted level in the City. Most properties have exercised their full residential density rights as well as their full commercial floor area rights. These are indigenous developments created prior to existing zoning. These high density-intensity levels promote an economy of scale that is not only commercially, visually and socially appealing but is also heavily exploited by educational and regulatory agencies for educational and environmental quality improvement purposes.

This highly dense and intense waterfront has become the jewel of the City. The publicly accessible waterfront boardwalks provide visitors and locals alike unprecedented opportunities to enjoy the natural and cultural assets that make Key West special.

Appendix - Study Area Data

| Map ID | Name | Location | RE# | Zoning | Site Size (sf) | Floor Area (sf) | FAR Existing | FAR Permitted | Units | Intensity | Density Existing | Density Permitted | Dev Pot | Uses | Waterfront | Marina Related | Public Waterfront Access | Development Oversight City | Res. O. No. | DCA Review |
|--------|--------------------|------------------|------------------|---------|----------------|-----------------|--------------|---------------|-------|-----------|------------------|-------------------|---------|---|------------|----------------|--------------------------|---|-------------|------------|
| 1 | Porter Place | 301 White St. | 000017 80-000000 | PS | 386,119 | 0 | 0.0 | 0.8 | 87 | A | 9.76 | 0 | ##### | Residential - Affordable | No | No | No | Owned City | | |
| 2 | Railway | 250 Trumbo Rd | 000017 20-0002 | HRC C | 67,320 | 0 | 0.0 | 0.5 | 38 | A | 24.59 | 12 | 205% | Residential - Affordable | No | No | No | Comp Plan and Development Plan review and approval (City & DCA) | | Y |
| 3 | Steam Plant | 281 Trumbo Rd | 000017 40-000000 | HRC C | 127,630 | 1,000 | 0.0 | 0.5 | 19 | M | 6.48 | 12 | 55% | Residential - Market Rate | Yes | No | No | Comp Plan and Development Plan review and approval (City & DCA) | | Y |
| 4 | Co. School Board | 201 Trumbo Rd | 000017 2-0003 | PS | 208,959 | 95,950 | 0.5 | 0.8 | 0 | | - | - | 55% | Public Service | Yes | No | No | School District Property | | |
| 5 | U.S. Navy | Trumbo | 1750 | MI | 1,089,000 | | - | | 0 | | - | - | | Military | Yes | Yes | No | Unknown | | |
| 6 | Danile's Compound | 951 Caroline St. | 000029 70-000000 | HRC C-2 | 108,464 | 47,093 | 0.4 | 0.5 | 0 | | - | 8 | 87% | Retail/ Restaurant/ Bar | Yes | Yes | Yes | Development Plan review and approval (City & DCA) | | Y |
| 7 | Parking Garage | 300 Ginnell St | 000027 80-000000 | HRC C-2 | 48,003 | 133,221 | 2.8 | 0.5 | 0 | | - | 8 | 555% | Parking Complex | No | No | No | Development Plan review and approval (City & DCA) | | Y |
| 8 | Ferry Terminal | 201 Ginnell St | 000720 82-004000 | HRC C-2 | 12,853 | 9,269 | 0.7 | 0.5 | 0 | | - | 8 | 144% | Public Service/ Retail/ Restaurant/ Bar | Yes | Yes | No | City Owned property | | Y |
| 9 | Turtle Kraals | Margaret St | 004400 82-000720 | HRC C-2 | 12,225 | 13,725 | 1.1 | 0.5 | 0 | | - | 8 | 225% | Retail/ Restaurant/ Bar | Yes | Yes | Yes | City Owned property | | |
| 10 | Margaret St. Plaza | Margaret St | 004300 000720 | HRC C-2 | 5,793 | 5,176 | 0.9 | 0.5 | 0 | | - | 8 | 175% | Retail | Yes | No | No | Owned property City | | |
| 11 | Dive Shop | Margaret St | 004502 82-000720 | HRC C-2 | 2,100 | 1,536 | 0.7 | 0.5 | 0 | | - | 8 | 145% | Retail | No | Indire city | No | Owned property City | | |
| 12 | Tackle Shop | Margaret St | 004503 | HRC C-2 | 2,321 | 1,782 | 0.8 | 0.5 | 0 | | - | 8 | 154% | Retail | No | Indire city | No | Owned property City | | |

| | | | | | | | | | | | | | | | | | | |
|----|--------------------|------------------|---------------------|------------|---------|--------|-----|-----|-----|---|--|----|-------|---|-----|-----|-----|---|
| 13 | Half Shell Raw Bar | End Margaret St | 000720 82-00500 | HRC C-2 | 9,155 | 7,887 | 0.9 | 0.5 | 0 | | | 8 | 172% | Retail/Restaurant/Bar | Yes | Yes | Yes | City Owned property |
| 14 | Waterfront Market | 201 William St | 000720 82-004200 | HRC C-2 | 27,610 | 25,140 | 0.9 | 0.5 | 0 | | | 8 | 182% | Grocery Store/Restaurant/Bar | Yes | Yes | Yes | City Owned property |
| 15 | Schooner Wharf | 202 Williams St | 000720 82-003900 | HRC C-1 | 5,850 | 2,196 | 0.4 | 0.1 | 0 | | | 22 | 375% | Retail/Restaurant/Bar | Yes | Yes | Yes | City Owned property |
| 16 | Harbor House | 233 Elizabeth St | 000007 20-000000 | HRC C-1 | 91,419 | 10,000 | 0.1 | 0.1 | 96 | T | | 22 | 317% | Residential (96 units associated with site) | Yes | No | No | City Owned property and approval (City & DCA) |
| 17 | Harbor walk Shops | Lazy Way Ln | 000720 82-003903 | HRC C-1 | 1,479 | 1,219 | 0.8 | 0.1 | 0 | | | 22 | 824% | Retail | Yes | No | No | City Owned property |
| 18 | Cord Farm | 613 Greene St | 000720 82-003900 | HRC C-1 | 38,005 | 19,633 | 0.5 | 0.1 | 0 | | | 22 | 517% | Retail/Restaurant/Bar | Yes | Yes | Yes | City Owned property |
| 19 | Commodore/A&B | 700 Front St | 000002 10-000000 | HRC C-1 | 53,432 | 32,791 | 0.6 | 0.1 | 0 | | | 22 | 614% | Retail/Restaurant/Bar | Yes | Yes | Yes | City Owned property and approval (City and DCA) |
| 20 | The Galleon | 617 Front St | 000000 10-000300 | HRC C-1 | 97,947 | | | | 112 | T | | 22 | 226% | Restaurant/Bar/Residential | Yes | Yes | Yes | City Owned property and approval (City & DCA) |
| 21 | Hyatt | 601 Front St | 000000 30-000000 | HRC C-1 | 105,415 | 46,764 | 0.4 | 0.1 | 120 | T | | 22 | 669% | Retail/Hotel/Restaurant/Bar | Yes | Yes | Yes | City Owned property and approval (City & DCA) |
| 22 | Pier House | 1 Duval St | 000000 70-000000 | HRC C-1 | 176,418 | 73,247 | 0.4 | 0.1 | 120 | T | | 22 | 550% | Retail/Hotel/Restaurant/Bar | Yes | No | Yes | City Owned property and approval (City & DCA) |
| 23 | Caribbean Spa | 527 Front St | 000000 80-000000 | HRC C-1 | 10,000 | 10,000 | 1.0 | 0.1 | 22 | T | | 22 | 1435% | Retail | Yes | No | Yes | City Owned property and approval (City & DCA) |
| 24 | Ocean Key House | 0 Duval St | 000001 20-000000 | HRC C-1 | 63,598 | 27,572 | 0.4 | 0.1 | 100 | T | | 22 | 745% | Retail/Hotel/Restaurant/Bar | Yes | Yes | Yes | City Owned property and approval (City & DCA) |

| | | | | | | | | | | | | | | | | | |
|----|---------------------------|----------------------|-------------------------|------------|------------|-----------|-----|-----|---|---|-------|------|-----------------------------|-----|----|---|---|
| 25 | Restaurant Store | 1111 Eaton | 000016 70- 000000 | HRC C-2 | 69260 | 1116 7 | 0.2 | 0.5 | 0 | - | 8 | 32% | Retail/ Industrial | No | No | Development Plan review and approval (City & DCA) | y |
| 26 | Stunk Lumber | 1101 Eaton | 000016 60- 000000 | HRC C-2 | 51836 | 2521 4 | 0.5 | 0.5 | 0 | - | 8 | 97% | Retail | No | No | Development Plan review and approval (City & DCA) | y |
| 27 | Manley-DeBoer | 1109 Eaton | 000016 80- 000000 | HRC C-2 | 68824 8 | 4325 8 | 0.6 | 0.5 | 0 | - | 8 | 126% | Retail | No | No | Development Plan review and approval (City & DCA) | y |
| 28 | KEYS Energy | 1001 James St | 000017 00- 000000 | HRC C | 34600 | 2165 6 | 0.6 | 0.5 | 0 | - | 12 | 125% | Public Service | No | No | Unknown | |
| 29 | Fast Buck Freddie's | 920 Caroline | 000027 90- 000000 | HRC C-2 | 5000 | 3724 | 0.7 | 0.5 | 0 | - | 8 | 145% | Retail | No | No | Unknown | |
| 30 | Electric Supply | 311 Margaret | 000028 10- 000000 | HRC C-2 | 8200 | 4800 | 0.6 | 0.5 | 0 | - | 8 | 117% | Retail/ Service | No | No | Unknown | |
| 31 | Convenience Store | 900 Caroline | 000101 10- 000000 | HNC | 2295 | 2149 | 0.9 | 1.0 | 0 | - | 16 | 94% | Retail | No | No | Unknown | |
| 32 | Harpoon Harry's | 832 Caroline | 000031 00- 000000 | HNC | 3158 | 3984 | 1.3 | 1.0 | 5 | M | 68.97 | 557% | Restaurant/ Bar | No | No | Unknown | |
| 33 | Retail | 830 Caroline | 000031 00- 000100 | HNC | 1340 | 854 | 0.6 | 1.0 | 0 | - | 16 | 64% | Retail | No | No | Development Plan review and approval (City & DCA) | y |
| 34 | KW Marine Supply | 818 CAROLINE ST | 000031 40- 000100 | HRC C-1 | 12166 | 6036 | 0.5 | 1.0 | 0 | - | 22 | 50% | Retail | No | No | Unknown | |
| 35 | Gallery | 812 CAROLINE ST | 000031 50- 000000 | HRC C-1 | 2232 | 1176 | 0.5 | 1.0 | 0 | - | 22 | 53% | Retail | No | No | Unknown | |
| 36 | Mallory Square | | 000001 70- 000000 | HRC C-1 | 11075 1 | 1030 | 0.0 | 1.0 | 0 | - | 22 | 1% | Parking/ retail/ restaurant | Yes | No | Unknown | |
| 37 | Old Town Square | 425- 431 FRONT ST | 000001 50- 000000 | HRC C-1 | 11199 | 6291 | 0.6 | 1.0 | 0 | - | 22 | 56% | Retail | No | No | Unknown | |
| 38 | OLD HARBOR HDUSE | 423 FRONT STREE T | 000001 60- 000000 | HRC C-1 | 4700 | 9024 | 1.9 | 1.0 | 0 | - | 22 | 192% | Retail | No | No | Unknown | |
| 39 | Red Fish Blue Fish | 407 FRONT ST | 000001 80- 000000 | HRC C-1 | 10300 | 8245 | 0.8 | 1.0 | 0 | - | 22 | 80% | Restaurant/Bar/Reta il | No | No | Unknown | |
| 40 | CLINTON SQUARE MARKE T | 291 FRONT ST | 000002 00- 000101 | HPR D | 19070 | 2745 1 | 1.4 | 1.0 | 0 | - | 22 | 144% | Retail | No | No | Unknown | |

| | | | | | | | | | | | | | | | | | | | |
|----|-------------------------------|----------------------|--------------------------------|-------|---------|------|-----|-----|-----|---|-------|----|-------|-------------------------|-----|-----|---|-----|--|
| 41 | Westin Resort & Marina | 231 - 279 FRONT ST | 000002 00-000100 000002 000102 | HPR D | 172,833 | 5425 | 0.3 | 1.0 | 174 | T | 43.83 | 22 | 231% | Public Lodging/Retail | Yes | Yes | Development Plan review approval (City & DCA) | Yes | |
| 42 | CUSTOMS HOUSE | 281 FRONT ST | 000002 00-000100 000002 000102 | HPR D | 24,999 | 1016 | 0.4 | 1.0 | 0 | | - | 22 | 41% | Retail | No | No | Unknown | No | |
| 43 | HISTORIC TOURS OF AMERICA | 201 FRONT STREET | 000002 00-000104 000002 000112 | HPR D | 26,750 | 2341 | 0.9 | 1.0 | 0 | | - | 22 | 88% | Retail/Commercial | No | No | Unknown | No | |
| 44 | Sunset Harbor (Hyatt) | 601 FRONT ST | 000002 00-000112 000002 000116 | HPR D | 17,293 | 0 | - | 1.0 | 120 | T | 30.23 | 22 | 137% | Public Lodging/Retail | Yes | Yes | Unknown | Yes | |
| 45 | Mel Fisher | 200 GREENE ST | 000002 30-000300 000002 000116 | HPR D | 15,377 | 3128 | 2.0 | 1.0 | 0 | | - | 22 | 203% | Commercial | No | No | Unknown | No | |
| 46 | Caroline Court | 202-238 FRONT ST | 000002 30-000400 000002 000116 | HPR D | 13,068 | 0 | - | 1.0 | 19 | | 63.33 | 22 | 289% | Residential | No | No | | No | |
| 47 | Little White House | 281 FRONT ST | 000002 00-000102 000004 000116 | HPR D | 24,999 | 1016 | 0.4 | 1.0 | 2 | T | 3.48 | 22 | 56% | Museum/Transient rental | No | No | | No | |
| 48 | Kelly's | 301 WHITEHEAD STREET | 000002 70-000000 000002 000116 | HRO | 3120 | 5807 | 1.9 | 1.0 | 0 | | - | 16 | 186% | Restaurant | No | No | | No | |
| 49 | Residential | 305 WHITEHEAD STREET | 000002 20-000000 000002 000116 | HRO | 1876 | 3120 | - | 1.0 | 3 | | 77.97 | 16 | 487% | | | | | | |
| | Morgan Law Office | 317 WHITEHEAD STREET | 000002 80-000100 000002 000116 | HRO | 13,300 | 8029 | 0.6 | 1.0 | 4 | T | 13.10 | 16 | 14.2% | | | | | | |
| | AUDUBON HOUSE | 205 WHITEHEAD STREET | 000002 10-000000 000002 000116 | HRO | 13,769 | 2352 | 0.2 | 1.0 | 0 | | - | 22 | 17% | Art Gallery | No | No | | No | |
| | Kite Shop | 408 GREENE ST | 000002 00-000000 000002 000116 | HRO | 4556 | 1078 | 0.2 | 1.0 | 0 | T | - | 22 | 24% | Retail | No | No | | No | |
| | Residential | 212 TELEGRAPH LN | 000002 20-000000 000002 000116 | HRO | 2384 | 0 | - | 1.0 | 1 | | 16.86 | 16 | 105% | Residential | No | No | | No | |
| | LAURA MAR LIMITED PARTNERSHIP | 218 WHITEHEAD STREET | 000002 30-000000 000002 000116 | HRO | 6970 | 7755 | 1.1 | 1.0 | 0 | | - | 16 | 111% | | | | | | |

Transect A-B

| Map ID | Name | Location | REF | Zoning | Site Size (sq ft) | Floor Area (sq ft) | FAR Existing | FAR Permitted | Units | Type | Density Existing | Density Permitted | Dev Pot | Uses | Waterfront | Marina Related | Public Waterfront Access | Development Oversight |
|--------|---------------------------|--------------------|-----------------|--------|-------------------|--------------------|--------------|---------------|-------|------|------------------|-------------------|---------|---------------------------|------------|----------------|--------------------------|-----------------------|
| 1 | Waterfront Market | 201 William St | 00072082-004200 | HRCC-2 | 27,610 | 25,140 | 0.9 | 0.5 | 0 | | | 8 | 182% | Grocery Store/Restaurant | Yes | Yes | Yes | City Owned property |
| 2 | Red Barn Gallery | 812 CAROLINE ST | 00003150-000000 | HRCC-2 | 2232 | 1176 | 0.5 | 0.5 | 0 | | | 8 | 105% | Retail | No | No | No | |
| 3 | Single Family Residential | 813 Sawyer's Alley | 00003210-000100 | HMDR | 2484 | 1690 | 0.7 | 1.0 | 1 | M | 17.54 | 16 | 178% | Single Family Residential | No | No | No | |

| | | | | | | | | | | | | | | | | | |
|---|---------------------------|------------------------|-----------------|------|------|------|-----|-----|---|---|------|----|-----|---------------------------|----|----|----|
| 4 | Single Family Residential | 810-814 Sawyer's Alley | 00003190-000100 | HMDR | 4550 | 1786 | 0.4 | 1.0 | 1 | M | 9.57 | 16 | 99% | Single Family Residential | No | No | No |
| 5 | Single Family Residential | 313 Williams St | 00003190-000000 | HMDR | 9573 | 2994 | 0.3 | 1.0 | 0 | | | 16 | 31% | Single Family Residential | No | No | No |
| 6 | Single Family Residential | 309 CARABALLO LN | 00003350-000000 | HMDR | 3083 | 2498 | 0.8 | 1.0 | 0 | | | 16 | 81% | Single Family Residential | No | No | No |

Transect C-D

| Map ID | Name | Location | RE# | Zoning | Site Size (sf) | Floor Area (sf) | FAR Existing | FAR Permitted | Units | Type | Density Existing | Density Permitted | Dev Pot | Uses | Waterfront | Marina Related | Public Waterfront Access | Development Plan & Construction Control Setback Approvals, Settlement Agreement (City & DCA) |
|--------|-------------------------|---------------------|-----------------|--------|----------------|-----------------|--------------|---------------|-------|------|------------------|-------------------|---------|----------------------------|------------|----------------|--------------------------|--|
| 1 | The Galleon | 617 Front St | 00000010-000300 | HRCC-1 | 43,560 | | - | 1.0 | 112 | T | 112.00 | 22 | 509% | Restaurant/Bar/Residential | Yes | Yes | | Development Plan and Shoreline setback and approval review and approval (City and DCA) |
| 2 | The Galleon Real Estate | 617 FRONT ST | 00000010-000500 | HRCC-1 | 2400 | 4665 | 1.9 | 1.0 | | | - | 22 | 194% | Commercial | No | No | | Development Plan and Shoreline setback and approval review and approval (City and DCA) |
| 3 | Commodore/A&B | 700 Front St | 00000020-000000 | HRCC-2 | 53,432 | 32,791 | 0.6 | 0.5 | 0 | | - | 8 | 123% | Retail/Restaurant/Bar | Yes | Yes | | Development Plan and Shoreline setback and approval review and approval (City and DCA) |
| 4 | Historic Tours Depot | 118-135 SIMONTON ST | 00000240-000000 | HRCC-1 | 52,385 | 18,447 | 0.4 | 1.0 | 4 | M | 3.33 | 22 | 50% | Commercial/Residential | No | No | | |
| 5 | Paradise Corner | 540 GREENE ST | 00001160-000000 | HRCC-1 | 6638 | 4189 | 0.6 | 1.0 | 0 | | - | 22 | 63% | Retail | No | No | | |

Transect E-F

| | | | | | | | | | | | | | | | | | | |
|----|---------------------------|-------------------|-----------------|--------|---------------|---------------|-------|---------|-----|---|-------|----|------|-----------------------------|------------|----------------|--------------------------|---|
| 8 | Scoter/Retail Shop | 501-505 GREENE ST | 00000520-000000 | HRCC-1 | 8,434 | 5,859 | 0.7 | 1.0 | 2 | T | 10.33 | 22 | 116% | Retail/Transient Units | No | No | No | Public Waterfront Access |
| 9 | Old City Hall | 510 GREENE ST | 00001240-000000 | HRCC-1 | Site Size 713 | Floor Area 99 | FAR 4 | FAR 1.0 | | | | | 42% | City Government | Waterfront | Marina Related | Public Waterfront Access | Development Plan & Construction Control Setback Approvals, Settlement Agreement (City & DCA) |
| 10 | Single Family Residential | 223 ANN ST | 00001210-000000 | HRCC-1 | 2,354 | 1,101 | 0.5 | 1.0 | 1 | | | 22 | 47% | Single Family | No | No | No | Shoreline and Coastal Construction Control Setback Approvals, Settlement Agreement (City & DCA) |
| 11 | Single Family Residential | 8 DUVAL ST | 00000120-000000 | HRCC-1 | 63,587 | 27,512 | 0.4 | 1.0 | 100 | T | 68.49 | 22 | 355% | Retail/Hotel/Restaurant/Bar | Yes | No | Yes | Shoreline and Coastal Construction Control Setback Approvals, Settlement Agreement (City & DCA) |
| 12 | Single Family Residential | 42 DUVAL ST | 00000340-000000 | HRCC-1 | 45,185 | 8,306 | 0.5 | 1.0 | | | - | 22 | 152% | Commercial/Retail/Bar | No | No | No | Shoreline and Coastal Construction Control Setback Approvals, Settlement Agreement (City & DCA) |
| 13 | Sunset Plaza | 101 Duval ST | 00000470-000000 | HRCC-1 | 20,952 | 10,242 | 0.5 | 1.0 | | | - | 22 | 49% | Retail | No | No | No | |
| 14 | Alpha of Key West | 109 DUVAL ST | 00000500-000000 | HRCC-1 | 1,815 | 3,416 | 1.9 | 1.0 | | | - | 22 | 188% | Retail | No | No | No | |
| 15 | Duval Village | 111 DUVAL ST | 00000490-000000 | HRCC-1 | 3,981 | 910 | 0.2 | 1.0 | | | - | 22 | 23% | Retail | No | No | No | |
| 16 | Bagatelle | 115 DUVAL ST | 00000490-000100 | HRCC-1 | 4,371 | 3,894 | 0.9 | 1.0 | | | - | 22 | 89% | Restaurant/Bar | No | No | No | |
| 17 | Jungle Paradise | 117 DUVAL ST | 00000530-000000 | HRCC-1 | 6,102 | 9,140 | 1.5 | 1.0 | | | - | 22 | 150% | Retail | No | No | No | |

Transect G-H

| Map ID | Name | Location | REF | Zoning | Site Size (sf) | Floor Area (sf) | FAR Existing | FAR Permitted | Unit # | Type | Density Existing | Density Permitted | Dev Pot % | Uses | Waterfront | Marina Related | Public Waterfront Access | Development Oversight |
|--------|-------------------------------|-------------------|------------------|--------|----------------|-----------------|--------------|---------------|--------|------|------------------|-------------------|-----------|----------------------------------|------------|----------------|--------------------------|---|
| 1 | Westin Resort & Marina | 231. 219 FRONT ST | 0000200 -000100 | HPRD | 172,933 | 54256 | 0.3 | 1.0 | 174 | T | 43.83 | 22 | 231 % | Public Lodging/Retail | Yes | Yes | Yes | Development Plan review and approval (City & DCA) |
| 2 | (CUSTOM HOUSE) | 281 FRONT ST | 0000200 -000102 | HPRD | 24999 | 10164 | 0.4 | 1.0 | 0 | | - | 22 | 41% | Commercial | No | No | No | Unknown |
| 3 | Mel Fisher | 200 GREENE ST | 00001630 -000300 | HPRD | 15377 | 31280 | 2.0 | 1.0 | 0 | | - | 22 | 203 % | Commercial | No | No | No | Unknown |
| 4 | LAURA MAR LIMITED PARTNERSHIP | 218 WHITEHEAD ST | 00001630 -000700 | HPRD | 6970 | 7755 | 1.1 | 1.0 | 0 | | - | 22 | 111 % | Commercial | No | No | No | Unknown |
| 5 | Transient Rental Units | 219 WHITEHEAD ST | 00001600 -000000 | HRO | 7120 | 2637 | 0.4 | 1.0 | 2 | T | 12.24 | 16 | 114 % | Rental Units | No | No | No | |
| 6 | Single Family Residential | 407 CAROLINE ST | 00001590 -000000 | HRO | 2380 | 702 | 0.3 | 1.0 | 0 | | - | 16 | 29% | Single Family Non Transient Unit | No | No | No | |
| 7 | Non Transient Rental Unit | 409 CAROLINE ST | 00001580 -000000 | HRO | 4012 | 723 | 0.2 | 1.0 | 1 | M | 10.86 | 16 | 88% | Non Transient Unit | No | No | No | |

ENVIRONMENTAL ASSESSMENT

WISTERIA ISLAND

MONROE COUNTY, FLORIDA



Prepared by



Consulting Engineering and Science, Inc.
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January, 2007

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1.0 Introduction

Wisteria Island is a man-made spoil island located adjacent to Key West (Figure 1). The island is approximately 21 acres in area and also includes an adjacent bay bottom ownership. The habitats on the island are by definition disturbed since the entire island is man-made. However, portions of the island include jurisdictional wetlands including that are classified as mangrove wetlands and salt marsh buttonwood wetlands. In addition to the exotic vegetation that dominates the majority of the island, native vegetation is also present.

The purpose of this report is to provide a biological assessment of the island in order to determine the types and extent of habitats present, with particular emphasis on the identification and delineation of upland and wetland habitat types.

2.0 Methods

A series of site visits were conducted during late 2006 and early 2007. The entire property was evaluated by walking a series of transects that traverse the parcel. Recent high-resolution aerial photographs were used to delineate the habitats and environmental conditions on the island. All wetland habitats were flagged for survey purposes.

Field data was digitized onto geo-rectified Digital Ortho Quarter Quad (DOQQ) maps using ARCGIS desktop Geographic Information System software, and habitat extents were calculated using the XTools software extension. This analysis provides an approximation of habitat areas, but is not intended to substitute for a survey.

Habitats were defined by the presence of appropriate vegetation, and habitats were defined within the context of the Florida Land Use, Cover and Forms Classification System (FLUCCS) (Table 1).

Table 1. Habitat definitions appropriate for Wisteria Island based on the Florida Land Use, Cover and Forms Classification System (FLUCCS).

| Habitat Type | FLUCCS Code |
|---------------------------|-------------|
| Disturbed | 740 |
| Disturbed with Mangrove | 740.2 |
| Disturbed with Salt marsh | 740.3 |
| Disturbed with Exotics | 740.5 |

3.0 Results

3.1 Habitat Types

A total of three habitat types were identified on Wisteria Island: disturbed uplands with exotic vegetation (740.5), disturbed salt marsh buttonwood wetlands (740.3), and disturbed mangrove communities (740.2) (Table 2, Figure 1).

Table 2. Habitat types on Wisteria Island exclusive of submerged lands. Habitat types were delineated based on field reconnaissance, and habitat areas were calculated using ARCGIS mapping software.

| Habitat Type | Approximate Acres | Comments |
|---|-------------------|---|
| Disturbed Uplands | 18 +/- | Occurs on higher elevations over most of the island, invasive exotic vegetation predominates, scattered native vegetation in understory |
| Disturbed Salt Marsh Buttonwood Wetlands (large) | 1.8 | Occurs on three locations on the island, non-tidal, |
| Disturbed Mangrove Wetland | 1.4 | One location on western side of island, tidally influenced |

Disturbed lands may be defined as “lands that manifest signs of environmental disturbance which have had an observable effect on the structure and function of the natural community which existed on the site prior to the disturbance” (Monroe County Comprehensive Plan, Volume II, Section 9.5-4, D-14). Using this definition, all habitats on Wisteria Island are functionally disturbed, although a further categorization of disturbed habitat types is appropriate based on the predominance of vegetative cover.

Disturbed uplands were the predominant habitat on the island, over the majority of the island (Table 2, Figure 1). The vegetation on these disturbed uplands was mainly invasive exotic pest plants, with Australian pine (*Casuarina* spp.) being the most common species. Seaside mahoe (*Thespesia populnea*), Brazilian pepper (*Schinus terebinthifolius*) and bowstring hemp (*Sansevieria hyacinthoides*) were also common invasive exotic plants on upland areas.

Native plants are also present throughout the upland portion of the island although they constitute a minor vegetative component relative to the exotic vegetation. Native plant species on the island include seagrape (*Coccoloba uvifera*), buttonwood (*Conocarpus erectus*), bay cedar (*Suriana maritima*), joewood (*Jacquinina keyensis*), and black torch (*Erithalis fruticosa*).

Disturbed salt marsh wetlands occurred at lower elevations and occurred along the perimeter of the island, mostly towards the eastern side of the island (Table 2, Figure 3). Vegetation in the salt marsh community included buttonwood in the overstory with an understory of herbaceous wetland plants including sea oxeye daisy (*Borrighis frutescens*), saltwort (*Batis maritima*) and glasswort (*Salicornia* spp.) and sea purslane (*Sesuvium portulacastrum*). Sea lavender (*Argusia gnaphalodes*) was present on the island in some of the shoreline areas, but was generally uncommon.

The mangrove wetlands were found in one large area on the western side of the island (Table 2, Figure 3). This area of mangroves is subject to regular tidal inundation over the southern portion, and is vegetated primarily with red mangroves (*Rhizophora mangle*). At higher elevations, scattered black (*Avicennia germinans*) and white (*Laguncularia racemosa*) mangroves are present.

The shoreline of Wisteria Island is approximately 4,000 linear feet, and consists of loosely aggregated limerock and fine sediments that form a narrow artificial beach over most of the perimeter. The vegetation along the shoreline is a mixture of invasive exotic and native vegetation. The transition from the shoreline to the adjacent upland vegetation is abrupt over most of the island with the exception of the low, flat beach area on the eastern portion of the island. Erosion from wave action and past storms is evident over extensive portions of the shoreline.

3.2 Threatened and Endangered Plants and Animals

No state or federally protected animals were observed during the evaluation of the Wisteria Island property. Because the habitats are disturbed and the island is isolated from other natural areas, the potential for use of the island by state or federally protected animals is unlikely. Highly mobile species such as wading birds are able to access the site, and may use occasionally use portions of the island, especially the mangrove wetland, for foraging. State-listed wading birds such as the White Ibis, Great White Heron, Snowy Egret, and Little Blue Heron almost certainly use the island periodically, but were not observed.

Protected plants listed as threatened or endangered by the State of Florida are present on the property. Bay cedar was common in several areas on the island, and joewood, black torch and sea lavender were also present.

Table 3. Threatened and endangered plant and animal species present or reasonable expected to be present on Wisteria Island.

| Common Name (Scientific Name) | State/Federal Status | Notes |
|---|----------------------|--|
| PLANTS | | |
| Bay cedar (<i>Suriana maritima</i>) | E / none | Common on periphery of island near shoreline and in wetlands |
| Joewood (<i>Jacquinina keyensis</i>) | E / none | Uncommon |
| Black torch (<i>Erithalis fruticosa</i>) | T / none | Common at higher elevations away from shoreline |
| Sea lavender (<i>Argusia gnaphalodes</i>) | E / none | Uncommon along shoreline |
| BIRDS | | |
| Little Blue heron (<i>Egretta caerulea</i>) | SSC | Potential in mangrove wetlands and along shoreline |
| Snowy Egret (<i>Egretta thula</i>) | SSC | Potential in mangrove wetlands and along shoreline |
| Tricolored Heron (<i>Egretta tricolor</i>) | SSC | Potential in mangrove wetlands and along shoreline |
| White Ibis (<i>Eudocimus albus</i>) | SSC | Potential in mangrove wetlands and along shoreline |

E = Endangered; T = Threatened; SSC = Species of Special Concern; RI = Regionally Important

4.0 Environmental Impacts

4.1 Impacts to Disturbed Wetlands

Adverse impacts to the disturbed mangrove wetland system located on the southern portion of the island are not anticipated. This mangrove system is proposed for on-site preservation and enhancement. Enhancement of this on-site wetland preserve will occur by creating a transitional buffer zone from the mangrove community to the adjacent development. This buffer zone will be vegetated with suitable salt-tolerant vegetation, resulting in an overall improvement of the wetland system

through the treatment of stormwater and the elimination of invasive exotic vegetation.

Impacts to disturbed salt marsh wetlands are anticipated as a result of the proposed development of Wisteria Island, however the extent of these impacts has yet to be determined. Impacts to disturbed wetlands will require an Environmental Resource Permit (ERP) from the South Florida Water Management District and also authorization from the U.S. Army Corps of Engineers. Obtaining these environmental permits will require significant planning and coordination, and will require appropriate compensatory mitigation to offset any adverse impacts associated with the proposed project. Thus, it is anticipated that the coordination resulting from the ERP process will adequately address any wetland impacts in the form of mitigation, and result in no adverse impacts to the environment.

4.2 Stormwater, Contaminants and Invasive Exotic Vegetation

Presently, stormwater is not being managed on Wisteria Island, and un-treated runoff from the island is directly entering adjacent Class III Outstanding Florida Waters and the Florida Keys National Marine Sanctuary. As part of the ERP process, a stormwater management plan will be developed for the island. This stormwater management plan will incorporate wetland and shoreline buffer areas, swales, and a variety of physical stormwater structures to prevent stormwater degradation of the adjacent nearshore waters.

Presently Wisteria Island has a significant accumulation of solid waste and contaminated materials resulting from storms and human activity. A recent inspection of the island revealed a variety of environmental contaminants including large quantities of lead (batteries, boat keels), petroleum products (fuel and oil containers), and miscellaneous solid waste. As part of the ERP process, the entire island, including the mangrove wetlands and shoreline, will be cleaned of environmental contaminants and maintained free of debris in perpetuity.

Wisteria Island is densely vegetated with invasive exotic vegetation including Australian pine, seaside mahoe, Brazilian pepper and bowstring hemp. The presence of this dense accumulation of invasive exotic vegetation is an environmental problem for the adjacent Key West National Wildlife Refuge, providing a persistent seed source for the continued re-establishment of invasive exotic plants on nearby islands, notably Woman Key, Boca Grand Key and the Marquesas Keys.

As part of the development process, all invasive exotic vegetation on the island will be removed. In addition, the open space portions of the island, including all wetland preserves and shoreline buffers, will be maintained free of invasive exotic plants in perpetuity, as generally required by conditions of an ERP.

4.3 Threatened and Endangered Plants and Animals

As indicated previously, no adverse impacts to threatened or endangered animals are anticipated as a result of the development of Wisteria Island. The island is man-made and is vegetated mainly with invasive exotic vegetation. The most productive habitat area on the island is the mangrove wetland system at the southern end of the island, and this area will be preserved and managed in perpetuity.

Several species of wading birds that are listed as a Species of Special Concern (SSC) by the State of Florida utilize the mangrove wetlands and shorelines of the island for occasional foraging. Species most likely to utilize the island include the White Ibis, Great White Heron, Snowy Egret, and Little Blue Heron. No nesting or roosting colonies of any of these birds are present on the island as the island is unsuitable for nesting. These wading bird species are capable of acclimating to human presence, and will continue to utilize the islands mangrove and shoreline habitats once the development is completed.

Several plant species listed by the State of Florida are present on the island including bay cedar, joewood, black torch and sea lavender. Additional native plants afforded protection under the Key West Land Development Regulations include buttonwood, sea grape, poisonwood, and all three mangrove species. It is likely that the development of the island will impact many individual protected plants as the topography and elevations over much of the island will require modification.

Mitigation for impacts to protected plants can be accomplished by either transplanting or replacing any affected plants into the on-site landscape buffer areas, especially those located adjacent to the mangrove wetland preserve and the shoreline. The specific details of the protected vegetation mitigation plan will be developed as planning for the development proceeds, and will comply with the appropriate sections of the Key West Land Development Regulations and Comprehensive Plan.

5.0 Figures and Reference Photographs

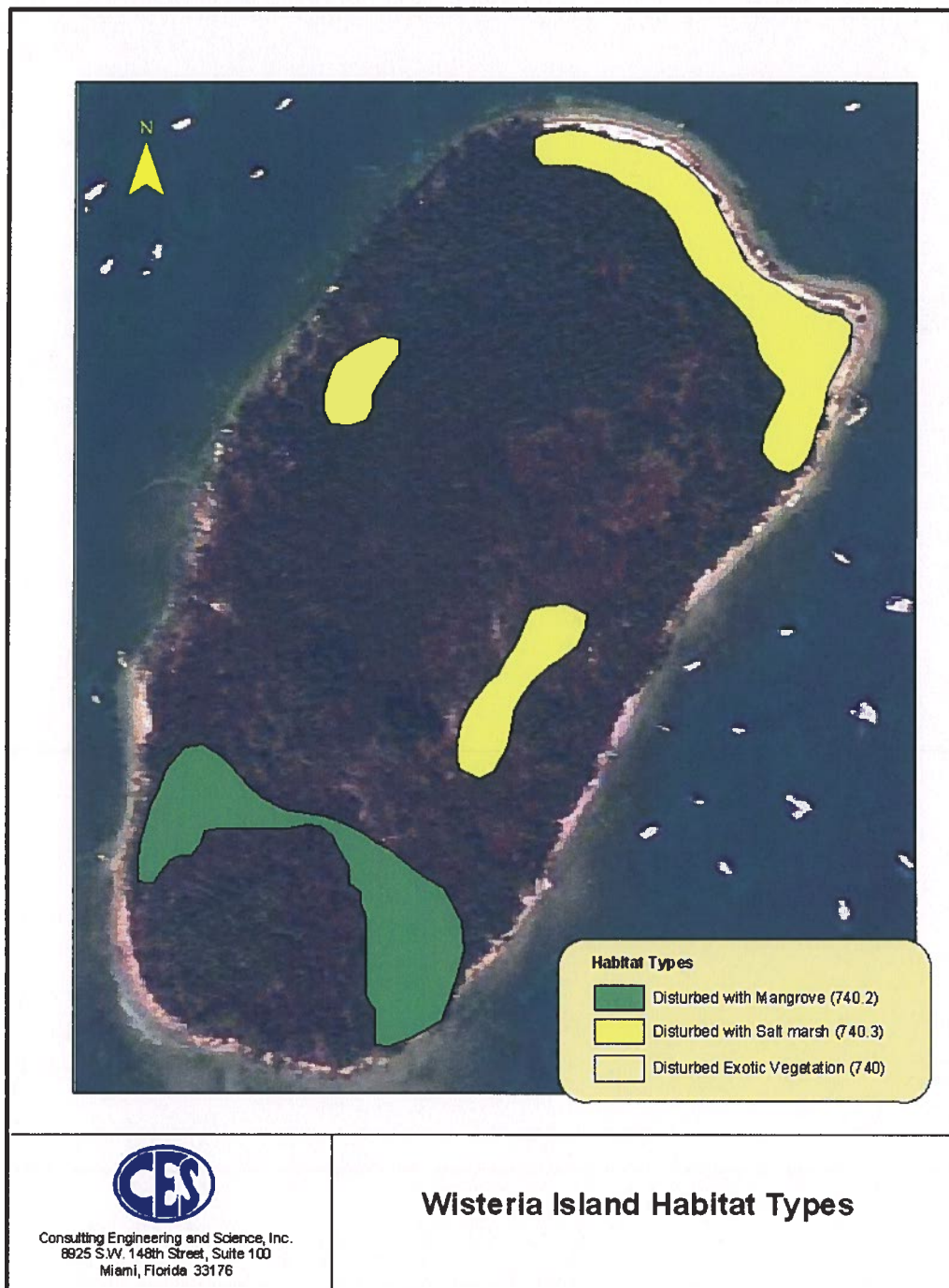


Figure 1. Habitat types on Wisteria Island as defined by the Monroe County Comprehensive Plan, Volume II, Section 9.5-4.



Photograph of the northern shoreline of the island looking west.
Tank Island (Sunset Key) can be seen in the distance.



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REFERENCE PHOTOGRAPH # 1

WISTERIA ISLAND

KEY WEST, MONROE COUNTY, FLORIDA



Photograph of typical disturbed uplands showing an overstory of exotic Australian pine and an understory that includes native trees, shrubs and grasses.



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Miami, Florida 33176

REFERENCE PHOTOGRAPH # 2

WISTERIA ISLAND

KEY WEST, MONROE COUNTY, FLORIDA



Photograph of tidal mangrove wetlands growing along the south western shoreline.



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Miami, Florida 33176

REFERENCE PHOTOGRAPH # 3

WISTERIA ISLAND

KEY WEST, MONROE COUNTY, FLORIDA



Photograph of tidal mangrove wetlands growing in the interior of the island on the western portion. The majority of the mangroves on the island are red mangroves.



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Miami, Florida 33176

REFERENCE PHOTOGRAPH # 4

WISTERIA ISLAND

KEY WEST, MONROE COUNTY, FLORIDA



Photograph of disturbed salt marsh wetlands showing herbaceous wetland plants in the understory and scattered buttonwood in the overstory.



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8925 S.W. 148th Street, Suite 100
Miami, Florida 33176

REFERENCE PHOTOGRAPH # 5

WISTERIA ISLAND

KEY WEST, MONROE COUNTY, FLORIDA

Keys-Wide Mooring Field System

Preliminary Planning Document

Prepared by the
Monroe County Department of Marine Resources

July 30, 2002

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Boca Chica Harbor

Overview

The Monroe County Department of Marine Resources is responding to the variety of negative impacts generated in crowded Keys anchorages. These impacts include seagrass damage from ground tackle, lack of space for transient vessels, abandoned and derelict vessels, sunken vessels, marine debris, and most importantly the illegal discharge of sewage.

In 2001 Monroe County successfully implemented a mooring field in Boot Key Harbor as a means of managing anchorage related boating impacts. An ordinance was approved by the Board of County Commissioners authorizing the regulation of boating activities within that mooring field, as well as future County mooring fields. Also in 2001 the Board gave approval for the Department of Marine Resources to apply for grants to fund the implementation of moorings and associated pump-out facilities for a Keys-wide system of mooring fields. The Department of Marine Resources generated a 'Project Proposal for a Keys-Wide Mooring System' which accompanied a Coastal Impact Assistance Program grant. The proposal outlined the extensive planning process involved to achieve a successful mooring field system.

This 'Preliminary Planning Document' (document) is the first document generated from the initial planning process. Each of the anchorage sites that were previously determined to be problem areas was visited and a site evaluation was conducted. The following sections describe the findings of those site visits, possible recommendations, and priority levels. This document is intended to be a starting point in the planning process. Each of the problem sites should be revisited with representatives of coordinating state and federal agencies to further review the situations and determine specific goals for each site, and the mechanisms to achieve those goals.

Objectives

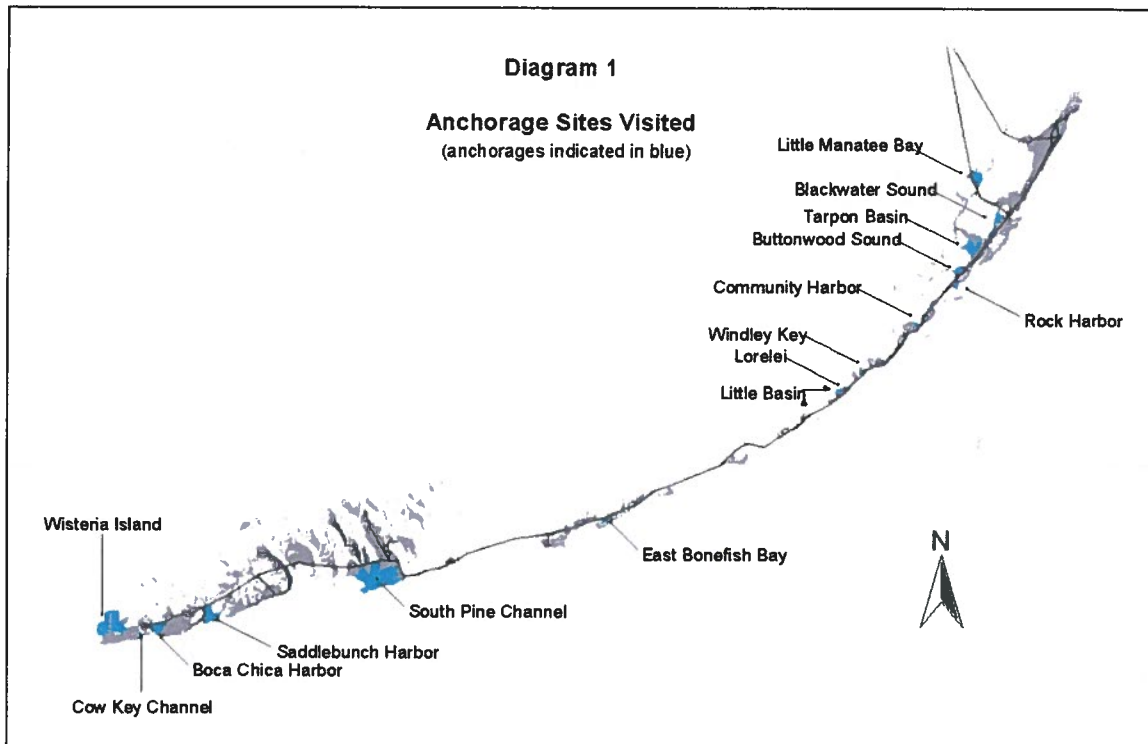
It is important that the objectives of the Keys-wide mooring field system concept are clear from the start, and that all coordinating agencies agree on the goals. The following objectives have been identified:

- 1) Eliminate abandoned and derelict vessels in anchorage areas
- 2) Provide anchorage space and minimal services for transient vessels
- 3) Reduce benthic damage caused by ground tackle in anchorage areas
- 4) Eliminate the unlawful discharge of sewage into the water column

Managed mooring fields have been acknowledged by Monroe County and the Department of Environmental Protection as a mechanism, or strategy, by which these objectives can be achieved. The appropriate disposal of vessel sewage is a major priority for this program.

Anchorage Site Evaluations

Each of the anchorage sites, identified in prior studies, was visited for a preliminary site evaluation by the County Marine Resources Planner between 12 March and 23 April 2002 (Diagram 1). A variety of site data was collected, including: physical and biological data (depth, seagrass, etc.), cultural data (types of boats and boaters), and logistical data (where boaters access land, availability of pumpouts, etc.) An 'Anchorage Site Evaluation Form' was generated for each site using the collected data. The following fifteen evaluation forms are compiled in geographic order from the upper Keys to the lower Keys.



ANCHORAGE SITE EVALUATION FORM

Date: March 12, 2002

General Information

Region of Keys: Upper Keys

Specific Location: Little Manatee Bay

Current Anchorage Population: Only 3 vessels; 2 sail, 1 power

Type of Vessels in Anchorage: Typical long-term liveaboards

Water Depth: 4-5'

Benthic Environment: Sparse seagrass

Bottom Type: Soft bottom

Zoning (is site within a regulatory zone?): No

Site/Facilities Information

Landing Facility (if any): none identified

Pumpout Facility (if any): none

Parking Facilities (if any): none identified

Any County Facilities or Land? No

Other Facilities (if any): Manatee Marina is the primary facility in the vicinity

Site Overview

General Condition/Situation: Very few boats anchored. Does not appear to be any significant problem. The several boats may be storage boats. They may use the marina for access (difficult to ascertain).

Preliminary Recommendations: Leave as is. No apparent problems.

Priority Level: Low

ANCHORAGE SITE EVALUATION FORM

Date: March 13, 2002

General Information

Region of Keys: Upper Keys

Specific Location: Blackwater Sound

Current Anchorage Population: Five Boats

Type of Vessels in Anchorage: Both sail and power in good condition

Water Depth: 6-8'

Benthic Environment: Sparse seagrass

Bottom Type: Soft bottom

Zoning (is site within a regulatory zone?): No

Site/Facilities Information

Landing Facility (if any): Caribbean Club and possibly Bayside Marine

Pumpout Facility (if any): None

Parking Facilities (if any): Possibly at Caribbean Club and Bayside Marine

Any County Facilities or Land? No

Other Facilities (if any): None

Site Overview

General Condition/Situation: On the south side of Stelrecht Pt. There are several vessels anchored adjacent to the Caribbean Club where they pay for dinghy dockage (may also use facilities at Bayside Marine). Closer to the point were several higher end vessels, probably friends of shorefront owners. This does not appear to be a real anchorage, transient or otherwise.

Preliminary Recommendations: This site does not appear to be a heavily used anchorage and there are no significant problems.

Priority Level: Low

ANCHORAGE SITE EVALUATION FORM

Date: March 13, 2002

General Information

Region of Keys: Upper Keys

Specific Location: Tarpon Basin

Current Anchorage Population: Seven boats

Type of Vessels in Anchorage: Mostly sail; good condition; probably transients

Water Depth: 6-8'

Benthic Environment: Sparse seagrass

Bottom Type: Soft bottom

Zoning (is site within a regulatory zone?): No

Site/Facilities Information

Landing Facility (if any): None apparent; most of the vessels are far from shore

Pumpout Facility (if any): None

Parking Facilities (if any): None apparent

Any County Facilities or Land? No

Other Facilities (if any): None

Site Overview

General Condition/Situation: There were several vessels along the eastern shoreline as well as the southwestern shoreline. Most were fairly far from shore, indicating that they are not landing anywhere. Most likely they are all transients.

Preliminary Recommendations: This site does not appear to be a heavily used anchorage and there are no significant problems.

Priority Level: Low

ANCHORAGE SITE EVALUATION FORM

Date: March 13, 2002

General Information

Region of Keys: Upper Keys

Specific Location: Buttonwood Sound (Sunset Cove) around mm100

Current Anchorage Population: Approximately 25 boats

Type of Vessels in Anchorage: Both power and (mostly) sailboats; typical long-term liveaboards as well as storage boats; many in poor condition; numerous derelict vessels.

Water Depth: 6-8'

Benthic Environment: Moderate seagrass

Bottom Type: Soft bottom

Zoning (is site within a regulatory zone?): No

Site/Facilities Information

Landing Facility (if any): Most of the liveaboards access land at the end of Bay View Drive, which is apparently County property. On the west side of the dead end is Marina Del Mar Bayside. There is a small jetty and fill area where liveaboards tie up their dinghies. There is also a dirt ramp. The resort apparently allows the liveaboards to tie up there and walk on the property (which may or may not be County property). Liveaboards leave cars, bikes, and mopeds on the right of way at the dead end. At the west end of the anchorage some liveaboards access land via the Smilin' Island property (451-1930).

Pumpout Facility (if any): None

Parking Facilities (if any): Only at Smilin Island, for those liveaboards at the western end of the anchorage.

Any County Facilities or Land? Just the County road (Bay View Dr.) and the right of way.

Other Facilities (if any): None

Site Overview

General Condition/Situation: Sunset Cove is a moderately used anchorage by mostly low-end liveaboards. The location of the anchorage is likely due to the access at the end of Bay View Drive and the proximity to shopping, laundry facilities, places of work, restaurants, etc.

Preliminary Recommendations: This site is a problem for a number of reasons. Due to the low-end nature of the anchorage there are derelict, sunken and unattended vessels. The liveaboards park their vehicles on the right of way. Neighbors have complained about numerous problems including vandalism, noise, and drug use.

Priority Level: High. This site, if developed as a mooring field, could also be convenient for transient vessels transiting the ICW.

ANCHORAGE SITE EVALUATION FORM

Date: April 17, 2002

General Information

Region of Keys: Upper Keys

Specific Location: Rock Harbor

Current Anchorage Population: 30-35 boats

Type of Vessels in Anchorage: Vessels in the outer anchorage are mid to high-end cruising sailboats (30-40'). The inner, and primary anchorage is mostly lower to mid-end sailboats around 25-30', but mostly kept up and in operational condition. There are a few power and houseboats, and only a very few abandoned or derelict vessels.

Water Depth: The outer anchorage, adjacent to Rodriguez Key, 8-10' deep. The inner anchorage ranges from 5-8' deep.

Benthic Environment: Seagrass.

Bottom Type: Soft bottom

Zoning (is site within a regulatory zone?): No

Site/Facilities Information

Landing Facility (if any): The only shoreside access appears to be the end of 2nd Ave., located between Mandalay Marina (adjacent and to the east) and the new condo (adjacent and on the west side). The road dead ends into a impromptu ramp where dinghies tie off. The area is not protected and there is no dock.

Pumpout Facility (if any): There is a public pumpout facility at Rock Harbor Marina, adjacent to and east of Mandalay Marina. The pumpout charge is \$5.

Parking Facilities (if any): Liveaboards simply park on the right-of-way at the end of 2nd Ave.

Any County Facilities or Land? The road (2nd Ave.) is County, all the way to the ocean.

Other Facilities (if any): There are several facilities in the area, but none that currently serve the liveboard community. The pumpout facility at Rock Harbor Marina is there to serve the public, but is not currently used by the boaters in the anchorage.

Site Overview

General Condition/Situation: The Rock Harbor anchorage has light to moderate use by both local liveaboards and a few true cruisers. There are two distinct anchoring areas: the outer anchorage behind Rodriguez Key which is used by transients as a stopover; and the inner anchorage closer to shore which is utilized almost exclusively by liveaboards. The liveboard community at this anchorage does not appear to cause a large problem. Most of the vessels observed appeared to be in working condition and are often used for sailing as well as a home. There are only a few run-down, abandoned, or sunken vessels. The significant problems noted were the lack of proper sewage disposal, the lack of appropriate dinghy dockage, and a lack of appropriate parking. There have been no significant complaints about these problems. However,

the Public Works Department reported that due to a few complaints about parking they installed 'no overnight parking' signs on the east side of 2nd Ave. The existence of the public pumpout facility at Rock Harbor Marina could be utilized to alleviate the sewage issue. As far as dinghy dockage, if the County chooses to provide dockage it may be possible to do so utilizing the public property at the end of 2nd Ave. However, there is little room for a dinghy dock and no real appropriate parking area.

Preliminary Recommendations: This anchorage area has existed for many years and is apparently geographically convenient for both local and transient boaters. Although it may be possible to close down the end of 2nd Ave. to access for dinghies or parking to eliminate the anchorage, that is probably not a good solution. Considering that there is an existing pumpout facility and County property (2nd Ave.) adjacent to the anchorage, the County should further investigate possible scenarios for providing proper infrastructure without developing the anchorage and increasing the number of vessels and associated impacts.

Priority Level: Moderate.

ANCHORAGE SITE EVALUATION FORM

Date: March 20, 2002

General Information

Region of Keys: Upper Keys

Specific Population: Community Harbor; MM 91.7

Current Anchorage Capacity: Approximately 20-25 boats

Type of Vessels in Anchorage: Both power and (mostly) sailboats; typical long-term liveaboards as well as some storage boats; many in poor condition; numerous derelict vessels; some sunken and abandoned vessels.

Water Depth: 4-5'

Benthic Environment: Seagrass

Bottom Type: Soft bottom

Zoning (is site within a regulatory zone?): Idle Speed/No Wake

Site/Facilities Information

Landing Facility (if any): Vessels use the facilities at Mangrove Marina (852-8380), if they so choose. Steve Kurtz and Bernard Chiles are the co-owners. The marina management charges vessels for use of the facilities which includes dinghy dockage, laundry, showers, parking, etc. They currently charge \$125-200 per month, depending on the size of vessel and number of occupants.

Pumpout Facility (if any): Mangrove Marina has all their docks plumbed, as well as a pumpout station at the fuel dock (\$15 per pumpout). The pumpouts are not used by the anchor-outs.

Parking Facilities (if any): Parking is provided at Mangrove Marina in their fee.

Any County Facilities or Land? None

Other Facilities (if any): None

Site Overview

General Condition/Situation: Community Harbor is a well defined harbor, bounded by the shoreline and the mangrove fringe. A County marked channel marks the entrance to the harbor, with a controlling depth of 4'. The entire harbor area is an idle speed zone. The harbor has been a light to moderate use anchorage for many years, primarily used by low-end local liveaboards. Many of the vessels scour the bottom or rest on the bottom. This site has the typical anchorage problems including ground tackle damage, derelict and abandoned vessels, and illegal sewage dumping. The new marina owner has upgraded and improved the facility, which now offers it's services to the anchor-outs. Management supports the implementation of a mooring field.

Preliminary Recommendations: The problems in the anchorage could be minimized by putting vessels on moorings and requiring routine pumping out. The existing infrastructure at the adjacent marina would facilitate the implementation of a mooring field. It would be necessary to

work out an arrangement between the County and the marina for management of the anchorage.
The facility could also accommodate shallow draft cruising vessels.

Priority Level: High

ANCHORAGE SITE EVALUATION FORM

Date: March 27, 2002

General Information

Region of Keys: Upper Keys

Specific Location: Windley Key (bayside); mm 84

Current Anchorage Population: 10 boats

Type of Vessels in Anchorage: Both sail and power vessels, and several floating structures. All in poor condition, some abandoned. Several sunken vessels and several tied up to mangroves. All appear to be either local liveaboards or storage vessels. Only three of the vessels were floating and in any decent type of condition.

Water Depth: 4-8'

Benthic Environment: Seagrass

Bottom Type: Soft bottom

Zoning (is site within a regulatory zone?): N/A

Site/Facilities Information

Landing Facility (if any): There are absolutely no facilities including shoreside access. Boaters dinghy into a small break in the mangroves adjacent to US1.

Pumpout Facility (if any): No facilities

Parking Facilities (if any): None. Boaters either walk or leave bikes in the mangroves.

Any County Facilities or Land? None

Other Facilities (if any): This site is directly across US1 from Holiday Isle Marina and Resort.

Site Overview

General Condition/Situation: This has always been a low-end anchorage and storage site for local boaters. All vessels at the site are in disrepair and should not be on the water. Many appear to have gone from liveaboards, to storage vessels, to sunken vessels. There are no facilities to make this a convenient anchorage. Liveaboards probably find this site amenable due to the somewhat hidden location of the anchorage and few people notice it, as well as the easy/unregulated access through the mangroves.

Preliminary Recommendations: This site is totally inappropriate as a liveboard anchorage, and is treated as a dumping grounds for old vessels. If not for the access through the mangroves the site would probably not be used at all. It is however a convenient and aesthetically pleasing site (if cleaned up) for cruisers transiting the ICW. As no facilities are available, it would be an excellent one or two night stopover for cruisers that require no facilities, including landing. A recommendation would be for the Village of Islamorada to shut off the mangrove access to anyone, remove all the derelict/sunken vessels and simply allow this small harbor to be used by transient vessels. Those vessels would be entirely on their own with no facilities or land access.

Priority Level: Moderate

ANCHORAGE SITE EVALUATION FORM

Date: March 27, 2002

General Information

Region of Keys: Upper Keys

Specific Location: Big Basin/Lorelei (bayside); mm 82

Current Anchorage Population: Approximately 50 boats

Type of Vessels in Anchorage: Both sail (mostly) and power vessels. Both transient and local liveaboards. Most vessels in moderately good condition.

Water Depth: 6-8'

Benthic Environment: Seagrass

Bottom Type: Soft bottom

Zoning (is site within a regulatory zone?): None

Site/Facilities Information

Landing Facility (if any): There are several marina facilities in the vicinity of the anchorage site. Although not confirmed, boaters probably utilize the Lorelei and some of the other facilities for shoreside access as well as for dining and entertainment.

Pumpout Facility (if any): None

Parking Facilities (if any): Whatever parking is provided at the adjacent marinas that allow dinghy dockage.

Any County Facilities or Land? None

Other Facilities (if any): the various marina facilities adjacent to the anchorage.

Site Overview

General Condition/Situation: This is a significant anchorage site that appears to be utilized both by local liveaboards as well as true transiting cruising vessels. Many of the vessels (particularly in the eastern portion of the anchorage) are higher end cruising equipped vessels that are well kept. The lower end vessels generally are at the western end of the anchorage, and along the mangrove fringe. The local liveaboard vessels appear to be both mid and low-end, with some storage vessels and a few abandoned vessels.

Preliminary Recommendations: This site has been a heavily used anchorage for many years, probably due to the proximity to the ICW as well as local shopping and establishments in this popular area of Islamorada. The anchorage is not nearly as bad as some overcrowded anchorages. The majority of the boats appear in good condition. This would make an excellent managed mooring field that could serve local liveaboards as well as the cruising yachtsman. If developed this anchorage could become a prime destination (or stay-over) for high-end transients. However, that decision will probably be up to the Village of Islamorada.

Priority Level: High

ANCHORAGE SITE EVALUATION FORM

Date: March 27, 2002

General Information

Region of Keys: Upper Keys

Specific Location: Little Basin (bayside); mm 81

Current Anchorage Population: Approximately 15 boats

Type of Vessels in Anchorage: Both sail (mostly) and power vessels, including a few houseboats. No transients, all low-end local liveaboards or storage vessels.

Water Depth: 3-4'

Benthic Environment: Seagrass

Bottom Type: Soft bottom

Zoning (is site within a regulatory zone?): None

Site/Facilities Information

Landing Facility (if any): There are several marina and resort facilities located on the shore of Little Basin. None of these facilities, however, are likely to allow dinghy dockage for the low-end boaters. Most of the vessels are in very poor condition and up in the shallows, some tied to mangroves. It doesn't appear that many of the vessels are actually used for living aboard.

Pumpout Facility (if any): World Wide Sportsman

Parking Facilities (if any): Whatever parking is provided at the adjacent marinas/resorts that may allow dinghy dockage.

Any County Facilities or Land? None

Other Facilities (if any): the various marina facilities and resorts adjacent to the anchorage.

Site Overview

General Condition/Situation: Little Basin is not a heavily used anchorage, primarily due to the lack of depth (less than 3'). Most of the vessels that are anchored should probably not be in the water, and are certainly not good for the environment.

Preliminary Recommendations: This site should not be considered for an anchorage, due to the shallow controlling depth throughout the basin. This site should be shut down from allowing vessel anchoring. The Village of Islamorada also has jurisdiction in this area.

Priority Level: Low

ANCHORAGE SITE EVALUATION FORM

Date: April 17, 2002

General Information

Region of Keys: Middle Keys

Specific Location: East Bonefish Bay

Current Anchorage Population: 12-15 boats

Type of Vessels in Anchorage: All of the vessels anchored are very low-end liveaboard vessels, including: sailboats, powerboats, houseboats, and floating structures. There are many sunken, abandoned and derelict vessels.

Water Depth: 2-8'. The harbor is dredged along the developed shoreline, but quite shallow throughout the harbor itself. Most of the harbor was historically a shallow mangrove fringed lagoon.

Benthic Environment: Sparse seagrass. Turbidity is high, visibility and light penetration is low, leading to a lack of thriving seagrass beds.

Bottom Type: Soft bottom

Zoning (is site within a regulatory zone?): The perimeter of the lagoon along the residential shoreline is idle speed/no wake.

Site/Facilities Information

Landing Facility (if any): Few of the vessels anchored appear to be actually used and live on. Those few that are actual liveaboards apparently dinghy into the docks at one of the fish houses.

Pumpout Facility (if any): The only pumpout facility in the vicinity is at Marie's Yacht Harbor, which is over a half-mile away.

Parking Facilities (if any): If any of the liveaboards have vehicles they apparently leave them parked at one of the fish houses.

Any County Facilities or Land? None

Other Facilities (if any): There are several fish houses and docking facilities located on the western shoreline of the bay. These fish houses supply dockage to commercial fishermen, but have absolutely no facilities for anchor-outs.

Site Overview

General Condition/Situation: East Bonefish Bay appears to be a relic of what once was a lightly used liveaboard anchorage. Most of the bay is extremely shallow and inappropriate for anything other than overnight anchoring of shallow draft vessels. People have left a variety of low-end vessels and floating structures anchored out for storage and a few liveaboards. None of the vessels are in any kind of functioning condition and all are creating an environmental impact. This anchorage is similar to what was found in middle Bonefish Bay some years back, which the City of Key Colony Beach put an abrupt end to.

Preliminary Recommendations: This anchorage falls under the jurisdiction of the City of Marathon. All sunken and derelict vessels should be removed. The City of Marathon should consider a policy of no liveaboards in East Bonefish Bay, as the bay is not appropriate as an anchorage of any kind.

Priority Level: Moderate

ANCHORAGE SITE EVALUATION FORM

Date: March 27, 2002

General Information

Region of Keys: Lower Keys

Specific Location: South Pine Channel (oceanside); mm 29

Current Anchorage Population: Approximately 20 boats

Type of Vessels in Anchorage: Both sail (mostly) and power vessels. Mostly low-end liveaboard vessels, storage vessels and a few houseboats and small commercial fishing vessels. Many of the liveaboard vessels are in disrepair, some obviously incapable of navigation. There are numerous abandoned and sunken vessels. There are, however, a few moderate to high end transient vessels located further out in the anchorage. Those vessels likely stay over just for a few nights without accessing shore.

Water Depth: 2-8'

Benthic Environment: Seagrass

Bottom Type: Soft bottom

Zoning (is site within a regulatory zone?): None

Site/Facilities Information

Landing Facility (if any): The only facility adjacent to the anchorage site is the 'swimming hole' basin located off of US1 at the foot of the bridge. This is a deep draft basin suitable for landing. Liveaboards dinghy into the basin (a few dinghy straight to the causeway) and most have bicycles they leave in the mangroves along the causeway or at the basin itself. There appear to be no other shoreside access points in the anchorage vicinity.

Pumpout Facility (if any): none

Parking Facilities (if any): None. The USFWS manages public properties in Big Pine, including the 'swimming hole' parcel, and do not allow parking at night.

Any County Facilities or Land? The State purchased the parcels adjacent to US1 and the 'swimming hole' several years ago. The 'swimming hole' appears to be quite suitable as a boat basin, and for the implementation of any infrastructure. However, there is a 3-4' controlling section at the mouth of the boat basin which currently prohibits use as a turning basin for most sailboats. The shallow controlling depth also makes permitting of docks or a boat ramp difficult.

Other Facilities (if any): Dolphin Marina is on the opposite side of South Pine Channel, but management at the marina has no desire to provide pumpout facilities or accommodate the liveaboard boaters.

Site Overview

General Condition/Situation: The South Pine Channel anchorage is an unusual situation. There is a deep draft basin adjacent to the anchorage field, but the field itself is quite shallow ranging from 2-8'. The bottom topography is not homogeneous. There appears to be a slightly

dredged area (~5') just outside of the basin, but there are numerous shoals all around the dredged area. There is no one area of significant size that would accommodate deep draft recreational vessels or a mooring field. Probably the only reason there are vessels in the area at all is because the basin ('swimming hole') is there which provides a landing for dinghies. Low-end liveaboards typically utilize any possible shoreside access, and at this site they have exploited the access that is there. Installing pumpouts at the basin would not be practical because (if the vessels were in a navigable condition) the controlling depth would prevent most sailboats from entering the basin. A pumpout barge would be a practical alternative, but unless the boats are on managed moorings, effective pumpouts likely would not happen. A managed mooring field may not be a viable option due to the lack of depth throughout the area. There is an additional problem at the site due to the power lines on the south side of the bridge. Vessels have been known to drag anchor into the wires causing a hazardous situation.

Preliminary Recommendations: Upon initial review it appears that the only feasible option is to eliminate the anchorage via eliminating the shoreside access. This anchorage needs to be studied further to consider more options. Water depths are a critical issue.

Priority Level: Moderate

ANCHORAGE SITE EVALUATION FORM

Date: April 16, 2002

General Information

Region of Keys: Lower Keys

Specific Location: Saddlebunch Harbor

Current Anchorage Population: Three boats

Type of Vessels in Anchorage: Only three vessels were seen. Two sailboats and one power boat, all under 25'. None appeared to be permanent liveaboards, more likely stored boats.

Water Depth: 5-8'

Benthic Environment: Seagrass

Bottom Type: Soft bottom

Zoning (is site within a regulatory zone?): None

Site/Facilities Information

Landing Facility (if any): None

Pumpout Facility (if any): None

Parking Facilities (if any): None. Vessel owners may possibly use the Shark Key boat ramp as access, and tie dinghies up in mangroves.

Any County Facilities or Land? None

Other Facilities (if any): None

Site Overview

General Condition/Situation: Although at times there have been a dozen or so vessels anchored in Saddlebunch Harbor, there are only a few currently anchored. There does not appear to be any problem or impacts from those few vessels.

Preliminary Recommendations: Nothing needs to be done in this area.

Priority Level: Low

ANCHORAGE SITE EVALUATION FORM

Date: April 16, 2002

General Information

Region of Keys: Lower Keys

Specific Location: Boca Chica Harbor

Current Anchorage Population: 100-130 boats

Type of Vessels in Anchorage: Most of the vessels in the anchorage are local liveaboards, many low-end vessels in poor condition. Many vessels are storage boats, some partially dismantled, and many sunken. There is a group of small commercial fishing vessels in the northwest anchorage area. There are some moderate to high end vessels as well, mostly sail. There are numerous power vessels, including houseboats, mostly in poor condition. At the southern end of the area is a group of larger cruising sailboats in good condition (these appear to be vessels that may be transient).

Water Depth: 2-8'. The harbor has a complex system of shoals which breaks the anchorage into pockets of vessels.

Benthic Environment: Seagrass

Bottom Type: Soft bottom

Zoning (is site within a regulatory zone?): None

Site/Facilities Information

Landing Facility (if any): There are a number of landing sites. Peninsula Marine at the southeast tip of Stock Island has dinghy dockage and facilities (296-8110), as well as sailboats on Mediterranean moors in their boat basin. Dinghies were also seen along the seawall and on docks along the east side of Stock Island and next to Munro's Marina. There appears to be a variety of shoreside accesses, depending where the vessels are anchored in the harbor.

Pumpout Facility (if any): Unknown. Possibly at Peninsula Marine.

Parking Facilities (if any): There appears to be parking at the trailer parks on the eastern shoreline of Stock Island where dinghies were seen. Parking is also provided at Peninsular Marine.

Any County Facilities or Land? None

Other Facilities (if any): There are numerous marinas, fish houses, a campground and other facilities on the eastern side of Stock Island. This site needs to be researched further to better determine shoreside accesses and facilities. The facilities must be there or the boaters would not be.

Site Overview

General Condition/Situation: The Boca Chica harbor anchorage area is a significant anchorage, second in size only to Christmas Tree Island and possibly Boot Key Harbor. The anchored vessels are spread out over a very large area. Different types of vessels (fishing boats,

house boats, cruisers, sail/liveboards) appear to anchor in particular areas of the harbor. More research needs to be conducted in the harbor to determine the rhyme and reason for the anchoring patterns and the association to shoreside facilities.

Preliminary Recommendations: Boca Chica harbor has a large anchorage with all the associated negative impacts. The anchorage appears to be highly suitable as a managed anchorage/mooring field. More work needs to be done in the area to determine what facilities are along the shoreline, where the boaters need and use these facilities, and how best to develop the facilities to support the anchorage in coordination with the County.

Priority Level: High

ANCHORAGE SITE EVALUATION FORM

Date: April 23, 2002

General Information

Region of Keys: Lower Keys

Specific Location: Cow Key Channel (north and south)

Current Anchorage Population: 50-60 boats

Type of Vessels in Anchorage: Nearly all of the vessels anchored adjacent to Cow Key Channel (also considered the Houseboat Row area) are very low-end boats and floating structures. There are sail and power boats, houseboats, structures, parts of boats, modified boats, etc. There are numerous D/V's, abandoned boats, storage boats, and sunken boats. There are also about eight sailboats anchored adjacent to the northern extension of Cow Key Channel (these boats are low-end but not as bad as the boats in the main anchorage area).

Water Depth: 2-5'

Benthic Environment: Seagrass

Bottom Type: Soft bottom

Zoning (is site within a regulatory zone?): the anchorage is just south of the Cow Key Channel slow speed zone.

Site/Facilities Information

Landing Facility (if any): Most of the liveaboards dinghy into the seawall and tie up in the mangroves adjacent to Houseboat Row.

Pumpout Facility (if any): None

Parking Facilities (if any): There are no real facilities available to the liveaboards and no parking.

Any County Facilities or Land? None

Other Facilities (if any): There are several marina facilities across the channel from the anchorage area, on the western shoreline of Stock Island. These facilities do not service the anchorage in any way, and none have pumpout facilities.

Site Overview

General Condition/Situation: The anchorage at Cow Key Channel is probably the most inappropriate of all the anchorages observed. There is not enough depth in any part of the anchorage suitable for anchoring, with many vessels resting on the bottom through part of the tidal cycle. There are no appropriate facilities for the liveaboards, including shoreside access. Most of the vessels are in deplorable condition. Many vessels are just abandoned after they no longer suit the needs of the owner. The bottom has been denuded in the area due to the scouring from ground tackle, and there is much marine debris scattered about.

Preliminary Recommendations: Cow Key Channel is not, and never will be, an appropriate area for anchoring (particularly for long-term) primarily due to the lack of depth. Every attempt

should be made by the City of Key West to regulate this area and through regulations make all the anchored vessels relocate or be disposed of. The marine debris should be removed. Most of the vessels in this area are not functional, nor do they conform to state and federal safety and environmental regulations.

Priority Level: High

ANCHORAGE SITE EVALUATION FORM

Date: April 23, 2002

General Information

Region of Keys: Lower Keys

Specific Location: Wisteria Island/Fleming Key anchorage area

Current Anchorage Population: 250-400 boats

Type of Vessels in Anchorage: Mostly liveaboards on everything from low-end sail and power boats, modified vessels, and floating structures to mid and high-end sailboats. There are several dozen vessels, mostly sail, in good condition that appear to be true cruising boats located in particular areas of the larger anchorage area. There are numerous D/V's, abandoned and sunken vessels as well as marine debris scattered around the shoal areas. There are numerous old boat hulls washed up on the shore of Wisteria Island. There are also a handful of charter sailboats.

Water Depth: 2-15'

Benthic Environment: Mostly seagrass

Bottom Type: Mostly soft bottom

Zoning (is site within a regulatory zone?): No

Site/Facilities Information

Landing Facility (if any): It was difficult to determine from the preliminary survey where boat owners dinghy into shore. There are a number of marina facilities located along the western shore of Key West that may provide dinghy dockage and other services. However, for most of the anchorage area that would be a long dinghy ride which would include crossing the busy main channel with much boat traffic. Vessels are anchored all along the western shoreline of Fleming Key, however the land is a restricted area and landing is not allowed. There does not appear to be suitable facilities for shoreside access for the several hundred vessels anchored in the area.

Pumpout Facility (if any): Several of the marinas in Key West have pumpout facilities.

Parking Facilities (if any): Parking could not be determined from the preliminary survey.

Any County Facilities or Land? None

Other Facilities (if any): N/A

Site Overview

General Condition/Situation: The Wisteria Island/Fleming Key anchorage area appears to be the largest and most problematic anchorage in the Keys. The anchorage area, which covers several miles, appears to be comprised of several smaller anchorages that overlap somewhat. Different types of vessels and accompanying lifestyles were observed from one specific area to another. The dozen or so vessels anchored between Wisteria Island and Sunset Key appear to be mid to high-end true cruising vessels anchored in appropriate depth water. This location is close to the ships channel and real cruising grounds, and the vessels appear to be cruisers. On the north side of Wisteria the water is quite shallow in areas, with vessels in the worst condition

typically in the shallows and vessels in better condition in the deeper water to the west and northwest of the island. Almost all vessels in these areas appear to be local liveaboards. Just across Man of War Harbor, another hundred or so mostly low-end vessels are anchored adjacent to Fleming Key, with a few true cruising boats at the southerly end of that anchorage. At least half of the vessels anchored throughout the larger anchorage area are inoperable and in terrible condition, many just waiting to be abandoned or sunken.

Preliminary Recommendations: This enormous anchorage grounds is truly out of hand. The area is in dire need of management and enforcement of regulations. There are probably hundreds of D/V's, abandoned and sunken vessels to be removed at the expense of the public. There are plenty of marine facilities in the area that could possibly be developed to provide services to the liveaboard and cruising community. It seems feasible that the City of Key West could further develop it's mooring field system to provide suitable managed moorings to operable vessels, both cruising and liveaboard. The cruising community would probably welcome a system of moorings, pumpout services, shoreside access and information. Dealing with the local liveaboards will be a larger issue. Wisteria Island itself looks like a feasible location for facilitating management and providing limited services. The City of Key West should continue with studies to further evaluate the anchorage area and pursue developing a master plan to address the problems.

Priority Level: High

Anchorage Site Evaluation Summary

Of the fifteen anchorage sites evaluated only ten sites were considered to be a moderate or high priority in regards to significant problems that need to be addressed through some level of anchorage management (Table 1). The five sites determined to be a low priority had very few vessels anchored (seven or less), with few boating impacts observed, and no history of reported problems or complaints. Those five sites do not need to be considered for any further planning or review for the purposes of a Keys-wide mooring field system at this time.

| Table 1. | | | |
|---------------------------------|-------------|-----------------|------------|
| MANAGEMENT NEEDS PRIORITY LEVEL | | | |
| <u>Anchorage Site</u> | <u>High</u> | <u>Moderate</u> | <u>Low</u> |
| Little Manatee Bay | | | X |
| Blackwater Sound | | | X |
| Tarpon Basin | | | X |
| Buttonwood Sound | X | | |
| Rock Harbor | | X | |
| Community Harbor | X | | |
| Windley Key * | | X | |
| Lorelei * | X | | |
| Little Basin * | | | X |
| East Bonefish Bay ** | | X | |
| South Pine Channel | | X | |
| Saddlebunch Harbor | | | X |
| Boca Chica Harbor | X | | |
| Cow Key Channel *** | | X | |
| Wisteria Island *** | X | | |

* indicates anchorage sites within or adjacent to the jurisdictional boundaries of the Village of Islamorada
 ** indicates anchorage sites within or adjacent to the jurisdictional boundaries of the City of Marathon
 *** indicates anchorage sites within or adjacent to the jurisdictional boundaries of the City of Key West

The ten anchorages listed as moderate or high priority sites were found to have a greater population of vessels and were observed to have some significant boating impacts that need to be addressed. Five of those ten sites are within or adjacent to the jurisdictional boundaries of an incorporated area, and any further studies or recommendations for those sites should be left to the discretion of the management of those cities (i.e. Village of Islamorada, City of Marathon, and the City of Key West). This document should be provided to those cities for their review.

The remaining five anchorage sites (denoted in Table 1 with a bold X), which are located within unincorporated Monroe County, were observed to have a considerable number of vessels and associated boating impacts, and are reviewed further in this document and recommended to be included in the subsequent planning processes.

Review of Priority Anchorage Sites

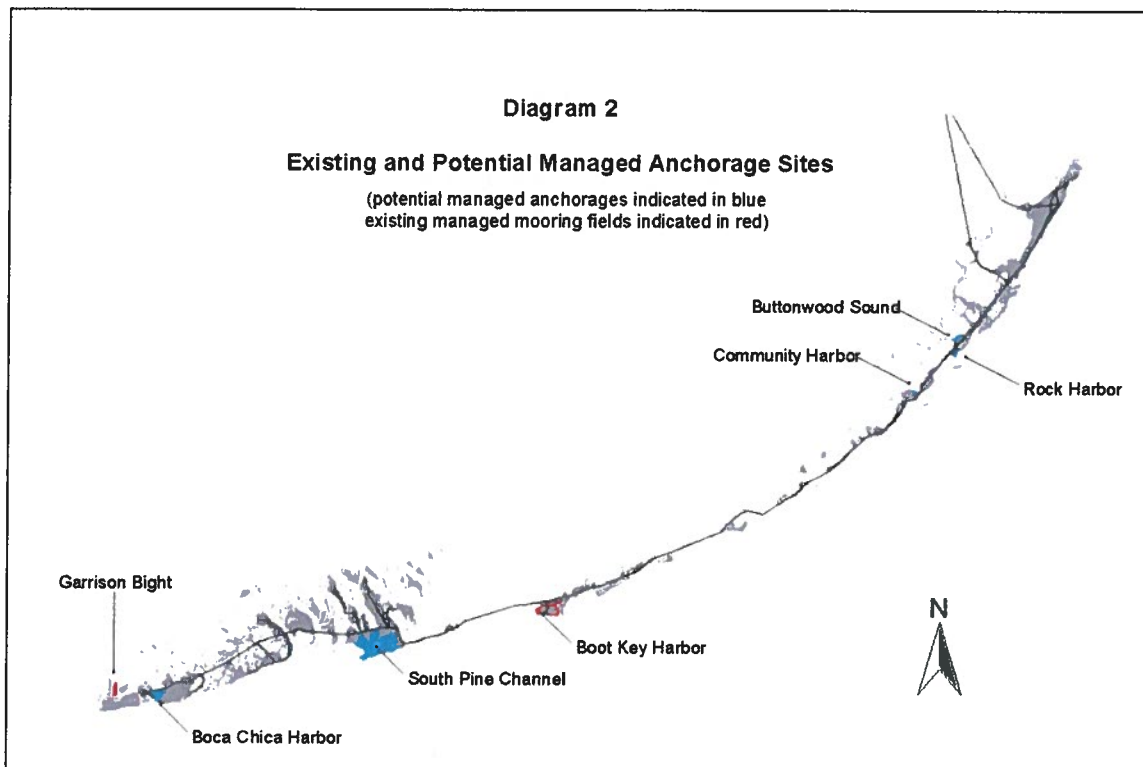
The anchorages at Buttonwood Sound, Rock Harbor, Community Harbor, South Pine Channel, and Boca Chica Harbor were determined from the site evaluations to be moderate to high priority sites. These five anchorages complete the list for sites that merit further research, planning, and possible development as a managed anchorage or mooring field (at this time). Table 2 provides a breakdown of some of the general findings at each site.

| Table 2. ANCHORAGE SITE GENERAL FINDINGS | | | | | | |
|---|------------------------|-------------------------|-------------------------|-------------------------|--------------------|---------------------------|
| <u>Anchorage Site</u> | <u>Number of boats</u> | <u>Landing facility</u> | <u>Pumpout facility</u> | <u>Derelict problem</u> | <u>Water depth</u> | <u>Used by transients</u> |
| Buttonwood Sound | 25 | none | none | yes | 6-8' | no |
| Rock Harbor | 30-35 | none | yes | yes | 5-10' | yes |
| Community Harbor | 20-25 | yes | yes | yes | 4-5' | yes |
| South Pine Channel | 20 | none | none | yes | 2-8' | yes |
| Boca Chica Harbor | 100-130 | none | none | yes | 2-8' | yes |

The one problem that each of the five anchorages has in common is derelict vessels. Every anchorage in the Keys that is home to local liveaboard boaters generates derelict, abandoned and sunken vessels. Four of the five anchorages were noted to have similar vessel population levels (20-35). Boca Chica Harbor, however has over one hundred vessels and the greatest liveaboard impacts. Although only four of the five anchorages were found to be used by transients, all of the anchorages are adjacent to either the Intracoastal Waterway (ICW) or Hawk Channel. The anchorage that did not have a significant number of transients (Buttonwood Sound) probably would be utilized by cruisers (transients) if facilities were available and the anchorage was not overrun with liveaboards.

Three of the five anchorages are located on the oceanside (Rock Harbor, South Pine Channel, and Boca Chica Harbor) and range from the upper Keys to near Key West. Two of the anchorages (Buttonwood Sound and Community Harbor) are located on the bayside in Key Largo. Two existing managed anchorages (mooring fields) are located in Boot Key Harbor in the middle Keys and at Garrison Bight in Key West. Each of those mooring fields is accessible from both the ocean and bay sides. The development of the five anchorage sites would result in a system of managed anchorages/mooring fields spread throughout the Keys, accessible to transients cruising both the oceanside and bayside. Such a system would not only provide secure anchoring facilities, but convenient legal pumpout access as well.

Diagram 2 indicates both the current managed mooring fields and the location of the five anchorages listed above. This diagram illustrates the connectivity of a proposed managed anchorage/mooring field system, which would be convenient for the typical transient who cruises between 20-40 miles per day (meeting the objective of DEP's Anchorage Program).



Buttonwood Sound

Like many liveaboard anchorages, the anchorage at Sunset Cove on Buttonwood Sound is utilized due to the convenient (and free) access to land. Although some of the boaters pay for dinghy dockage at Smilin' Islands (located adjacent to the western end of the anchorage) most of the boaters exploit the access at the dead end of Bayview Drive (adjacent to the eastern end of the anchorage). Because this is not a formal landing this utilization has resulted in neighborhood problems, including: vehicles parked on the right of way, litter, petty thefts, loitering, dinghies tied along the shoreline, etc. There are similar impacts on the water, including: abandoned and derelict vessels, sunken vessels, drug use, seagrass damage, and of course the illegal discharge of waste. This is a very low-rent anchorage, with most of the vessels in poor condition (leading to abandoned and sunken vessels). Just this year a boat was set on fire by juveniles and sank. Sunset Cove is adjacent to the ICW. Although it is only lightly used by transients, it would be a convenient anchorage if minimal amenities were provided. It may not be practical to develop the end of Bayview Drive for dinghy dockage and pumpout provisions, as this is a residential neighborhood. It may be possible to work with the proprietor/owner of the Smilin' Islands property to upgrade their existing dinghy dockage and provide pumpout service, either through the installation of a pumpout system or use of a pumpout barge. The County could arrange an agreement with the management to manage a small mooring field. The problems at Bayview Drive could then be addressed via the installation of a barrier at the end of the road to prevent launching, and a prohibition on overnight parking (which has already been done at Rock

Harbor). Developing the existing facilities (Smilin' Island) and cutting off use at Bayview Drive appears to be a feasible alternative to the existing conditions. A small managed mooring field would reduce the current impacts as well as serve transient vessels cruising the ICW.

Rock Harbor

Rock Harbor is the northernmost liveaboard anchorage on the oceanside of the Keys. In addition to the liveaboards, Rock Harbor also provides anchorage to transients who regularly anchor in the lee of Rodriguez Key as a stopping place. Like the Buttonwood Sound anchorage, the shoreside access at Rock Harbor is simply where a County road (2nd Ave.) meets the ocean. Unlike Buttonwood Sound, however, this is not primarily a residential neighborhood. Second Ave. is adjacent to several marinas (Mandalay Marina and Rock Harbor Marina) and a short distance from a boat yard, making the area more appropriate as an anchorage. Although not currently utilized by vessels in the anchorage, Rock Harbor Marina does provide pumpout services to the public for \$5. The anchorage appears to be used by both low and high-end vessels. Although derelict and abandoned vessels are not as great a problem here as in some Keys anchorages, the problems do exist. Dinghy dockage and parking appear to be the most obvious problems. There is no appropriate tie off for dinghies, and the County has created a 'no overnight parking' ordinance to address the problem of vehicles left along the right-of-way. As with the situation at Buttonwood Sound, it is probably not practical to develop the end of the road for shoreside services. However, the possibility for exploiting the marine services at either Mandalay Marina or Rock Harbor Marina to help provide dockage, parking, and pumpouts to the anchor-outs may be a feasible alternative. As with any other anchorage area, managed moorings may be the only means to ensure that vessels utilize approved pumpout facilities.

Community Harbor

On the opposite end of the spectrum from Buttonwood Sound and Rock Harbor is Community Harbor. All necessary services and amenities already exist and are accessible at Mangrove Marina. Although relatively shallow, Community Harbor has historically attracted low-end vessels, resulting in the typical derelict/sunken vessel problems. The harbor is adjacent to the ICW, and many conveniences are a short walk from the marina in the main section of Key Largo. The marina owner/management has already indicated a desire to have moorings installed to help alleviate the negative impacts from the resident liveaboards in the harbor. This anchorage appears to be a managed mooring field waiting to happen, and would only require a detailed management agreement between the County and Mangrove Marina to have the marina collect mooring fees and oversee pumpouts.

South Pine Channel

Pine Channel, on the south side of the bridge, has long been an anchorage to low-end local liveaboards. Like at Buttonwood Sound and Rock Harbor, the boaters have located here due to the proximity to an easy and free land access. Unlike the other locations however, the land access is not the end of a road but a dredged boat basin (known locally as the swimming hole). Although controlling depths are quite shallow, the boat basin has great potential for the installation of basic infrastructure to serve a mooring field. The 'swimming hole' was obtained through the CARL Program and may soon be transferred from the State to the County. Dinghy dockage could easily be built and pumpout facilities could be implemented via pumpout

equipment or a pumpout vessel. Although there are currently a minimum number of vessels using this site, it would be prudent to move ahead with some level of management, as the numbers and impacts fluctuate frequently. Problems with boat masts hitting the overhead powerlines is an additional incentive to provide safe, secure moorings.

Boca Chica Harbor

Boca Chica Harbor is by far the most heavily used of the five anchorages recommended for management. Controlling depths are not a problem for mooring installations, and would curtail the seagrass damage occurring in the shallower areas. Although similar in use to the before mentioned sites boaters utilize a number of locations for dinghy landing, making it difficult to ascertain how and where to best provide shoreside facilities. This anchorage is probably the most appropriate for development into a managed harbor due to the extensive use and high level of impacts. In addition, a significant number of transients utilize the harbor as a stopover, which is convenient to Hawk Channel. If an appropriate site/parcel could be found along the western shoreline for the County to possibly purchase and develop then all services could be provided in one location. The size of the harbor, the usage, and needs are very similar to Boot Key Harbor. Like Boot Key Harbor this would be a large, long term project and commitment by the County.